

# 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

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## ALVIN CITY COUNCIL AGENDA THURSDAY, SEPTEMBER 5, 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](mailto: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.*

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NOTICE is hereby given of a Regular Meeting of the City Council of the City of Alvin, Texas, to be held on **THURSDAY, SEPTEMBER 5, 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. Second public hearing to receive comment on the proposed tax rate of \$0.7780 per \$100 of valuation for the Fiscal Year 2019-2020 (2019 tax year).

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 August 8, 2019 City Council Workshop minutes.

B. Consider approval of the August 15, 2019 City Council Regular meeting minutes.

C. Consider a final plat of Hinson Acres (5026 Wickwillow Lane), being 5.02 acres of land, known as the easterly 38.05 feet of lot 10 and the adjoining westerly 220.48 feet of lot 9, of the N. Chatfield Subdivision, an addition in Brazoria County, Texas, according to the map or plat thereof recorded in volume 2, page 39, of the plat records of Brazoria County, Texas, and being a part of the F. Moore League, Abstract 100, less and except the southerly 20 feet thereof, City of Alvin ETJ, County of Brazoria, State of Texas.

D. Consider an Agreement with Horizon International Group, LLC, through the Choice Partners Cooperative Purchasing Network, to provide and install bullet resistant teller windows and ballistic paneling for the Municipal Court and Utility Billing office suites within City Hall, in an amount not to exceed \$68,925.00, and authorize the City Manager to sign the Agreement upon legal review.

- E. Consider a one-year contract extension through December 31, 2020, with Wells Fargo Bank, for depository and banking services for the City of Alvin; and authorize the City Manager to sign upon legal review.
- F. Consider an emergency purchase of a new Lakeside Raptor Multi-Rake Bar Screen and Lakeside Raptor Wash Press from Coastal Pump Services, for use at the Wastewater Treatment Plant, in an amount not to exceed \$213,562.00.

## **6. OTHER BUSINESS**

- A. Consider Ordinance 19-U, amending Chapter 8½, Emergency Medical Services, and Chapter 28, Comprehensive Fee Ordinance, for the purpose of revising certain Emergency Medical Service fees; providing for Utility Fee for Emergency Medical Services to be added to residential/commercial utilities for an effective date of October 2019; and setting forth other provisions related thereto.
- B. Consider Ordinance 19-V, amending Chapter 28, Comprehensive Fee Ordinance for the purpose of revising the fees to be charged for water services, by offering a twenty percent Senior Discount on single family residential water base rate for the first increment of water usage up to and including 2,000 gallons, for an effective date of October 2019 billing cycles; and setting forth other provisions related thereto.
- C. Consider Resolution 19-R-35, accepting the petition for annexation of 3.97 acres, more or less, parcel of land located along State Highway 35 and Moore Road, in Brazoria County, Texas; setting an annexation schedule that includes public hearings on October 3, 2019 and October 17, 2019; providing for open meetings and other related matters.
- D. Consider Resolution 19-R-34, revising the Special Districts Policy for the City of Alvin and renaming to Alvin Development Proposal Guidelines; including criteria and guidelines governing Municipal Utility Districts, Tax Increment Reinvestment Zones, Planned Unit Developments, and Public Improvement Districts within the city limits and in its Extra Territorial Jurisdiction (ETJ); and setting forth related matters thereto.
- E. Consider Resolution 19-R-36, delegating authority to sign Form 2848, IRS Power of Attorney, to the City's Chief Financial Officer; and authorizing the firm of Mitchell, Williams, Selig, Gates & Woodyard, PLCC (Mitchell Williams), the power to negotiate and engage in settlement discussions with the Internal Revenue Service on behalf of the City of Alvin.
- F. Consider an appointment to the Senior Citizens Board to fill the unexpired term of Judy Zavala.

## **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. ADJOURNMENT**

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I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: [www.alvin-tx.gov](http://www.alvin-tx.gov), in compliance with Chapter 551, Texas Government Code, on THURSDAY, August 29, 2019 at 4:00 P.M.

(SEAL)



A handwritten signature in blue ink, appearing to read "Dixie Roberts", is written over a horizontal line.

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  
July 16, 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, Ashley Davis, Vice Chair; Charles Buckelew; Santos Garza; Chris Hartman; Carrie Parker and Randy Reed. Also present were staff members Michelle Segovia, City Engineer and Shana Church, Executive Secretary. Jake Starkey, Nicole Kelinske and Richard Garivey were absent.

**Call To Order**

Call to order at 6:00 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 June 18, 2019.**

Commission Member Randy Reed motioned to approve the minutes of the regular Planning Commission meeting of June 18, 2019. Seconded by Carrie Parker, the motion carried on a vote of 6 ayes and 0 nays.

**Consider a final plat of Octavio Estates, 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.** City Engineer recommends final plat for discussion and approval. Commission Member Parker motioned to recommend for approval to City Council. Seconded by Member Buckelew, the motion carried on a vote of 6 ayes, 0 nays.

**Consider a final plat of Perry Holdings Group, 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.** City Engineer recommends final plat for discussion and approval. Commission Member Parker motioned to recommend for approval to City Council. Seconded by Member Reed, the motion carried on a vote of 6 ayes, 0 nays.

**Consider a final plat of Rustic Country Acres, 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.** City Engineer recommends final plat for discussion and approval. Commission Member Hartman motioned to recommend for approval to City Council. Seconded by Member Parker, the motion carried on a vote of 6 ayes, 0 nays.

**Consider the vacation of the final plat of Mustang Crossing Section 5, being a PUD subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.** City Engineer recommends vacation of the final plat for discussion and approval. Commission Member Garza motioned to recommend for approval to City Council. Seconded by Member Parker, the motion carried on a vote of 6 ayes, 0 nays.

**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.** City Engineer recommends ordinance for discussion and approval. Commission Member Parker motioned to recommend for approval to City Council. Seconded by Member Garza, the motion carried on a vote of 6 ayes, 0 nays.

**Consider a final plat of Mustang Crossing Section 5, being a 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.** City Engineer recommends final plat for discussion and approval. Commission Member Reed motioned to recommend for approval to City Council. Seconded by Member Hartman, the motion carried on a vote of 6 ayes, 0 nays.

**Consider a final plat of Mustang Crossing Section 5B, 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.** City Engineer recommends final plat for discussion and approval. Commission Member Parker motioned to recommend for approval to City Council. Seconded by Member Garza, the motion carried on a vote of 6 ayes, 0 nays.

**Discuss topics for workshop with City Council on July 30, 2019.**

The Planning Commission discussed topics for the workshop with City Council on July 30, 2019. The topics to be discussed are Planning Commission roles, Recreational Vehicle Resorts Ordinance and Subdivision Ordinance.

**Items of Community Interest.**

Carrie Parker mentioned she appreciates a lot of roads being worked on in the City.

**Staff report and update.**

There were no staff report or update.

**Items for the next meeting.**

Michelle Segovia stated the Planning Commission may see a final plat for Kendal Lakes Section 10 and Mustang Crossing Section 6 at the meeting next month.

**Adjournment.**

Commission Member Buckelew motioned to adjourn the meeting, seconded by Member Hartman. The motion carried on a vote of 6 ayes. The meeting ended at 7:02 p.m.



# AGENDA COMMENTARY

Meeting Date: 9/5/2019

Department: City Manager

Contact: Junru Roland City Manager

Agenda Item: Second public hearing to receive comment on the proposed tax rate of \$0.7780 per \$100 of valuation for the Fiscal Year 2019-2020 (2019 tax year).

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

**Summary:** The City's proposed tax rate (\$0.7780) per \$100 of assessed value exceeds the effective tax rate (.756909) per \$100 of assessed value. As a result, the Local Government Code requires the City Council to set two public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing.

This is the second of the two required public hearings. City Council held the first public hearing at the regularly scheduled City Council meeting on August 15, 2019 at 7:00 p.m., at which time no comments were received.

City Council will consider adopting the proposed tax rate at the regular meeting 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: 8/29/2019 SLH

Supporting documents attached:

**Recommendation:** **Mayor Horn to Announce that** City Council will consider adopting the proposed tax rate of \$0.7780 per \$100 of valuation for the Fiscal Year 2019-2020 (2019 tax year) at the regular meeting of the City Council on September 19, 2019 at 7:00 p.m.

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  
CITY COUNCIL WORKSHOP  
THURSDAY AUGUST 8, 2019  
6:00 P.M.**

**CALL TO ORDER**

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in a Workshop Session at 6:00 p.m. in the first floor Conference Room at City Hall, with the following members present: Paul A. Horn, Mayor; Glenn Starkey, Mayor Pro-Tem and Councilmembers: Gabe Adame, Adam Arendell, Joel Castro, Brad Richards, and Martin Vela.

**Staff members present:** Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Michael Higgins, Chief Financial Officer; Dixie Roberts, City Secretary; Dan Kelinske, Parks Director; Michelle Segovia, City Engineer; Rex Klesel, Fire Chief; Ron Schmitz, EMS Director/Emergency Management Coordinator; Brian Smith, Public Services Director; Priya Bhakta; CVB Director and Robert E. Lee, Police Chief.

**WORKSHOP ITEMS:**

Discuss FY 19-20 Proposed Budget

Mr. Roland reviewed a list of items that were considered to be contract services: utilities, insurance, building/ground maintenance, machinery & equipment maintenance, auditor advertising fees, election, legal services, communications, medical services/pre-employee screenings, 380 agreements, Appraisal District fees, workers compensation, etc. He also reviewed the fixed/low income discounts on water rates that was discussed at the last budget workshop meeting. Council asked staff to look into this to see if other cities had similar programs. Mr. Roland stated that there were no other cities within the State that he could find that had a program like this. He presented similar programs found in Washington State. The consensus of members of City Council present was to not move forward with this discount at this time.

Mr. Roland reviewed I&I projects. Mr. Smith reviewed the process of the vehicle replacement program. Mr. Kelinske and Ms. Bhakta reviewed the promotional ideas for the promotion of the new disc golf course. Mr. Schmitz reviewed EMS operations and the proposed EMS utility fee to be added to residential/commercial utilities in FY19-20.

Council member Arendell stated that he would like to see funding included in this budget to provide for a new police officer position added to each shift. The proposed budget provides for one new officer. He stated that he would like staff to look into adding funding for three additional police officers to this budget, which will provide four new police officers in FY19-20. Discussion was had on two new police vehicles that would have to be added to the fleet in order to cover these new positions. Mr. Smith stated that these new vehicles would have to be ordered within the next few weeks in order for them to make the production cut off date. The manufacturer of these police vehicles will not be generating new vehicles in 2020. Mr. Roland stated that as it stands the proposed budget is balanced, he stated that he will have to alter expenditures in order to fit this into the budget. Discussion continued.

**ADJOURNMENT**

Mayor Horn adjourned the meeting at 7:55 p.m.

PASSED and APPROVED the 5<sup>th</sup> day of September 2019.

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

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

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**REGULAR CITY COUNCIL MEETING**  
**THURSDAY, AUGUST 15, 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 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; Dan Kelinske, Parks and Recreation Director; Robert E. Lee, Police Chief; and Ron Schmitz, EMS Director/Emergency Management Coordinator.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Loretta Smith, First Christian Church, gave the invocation.

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

**PRESENTATIONS**

Parks and Recreation Departmental Update.

Dan Kelinske, Director of Parks and Recreation gave a departmental update.

**PUBLIC COMMENT**

Tim Klein, 280 E. Adoue, addressed the Council with concerns of the homeless sleeping in National Oak Park. He lives close to the park and his family has benefited from the park but lately the homeless have become aggressive and yelled at his wife. He also complained of trash and urine smell in the park.

**PUBLIC HEARING**

Public hearing to receive comment on the proposed Fiscal Year 19-20 Annual Budget. This proposed budget is estimated to raise more total property taxes than last year's budget by \$74,455 which is a 0.68% increase from last year's budget. The estimated property tax revenue to be raised from new property added to the tax roll this year is \$337,232.

Mayor Horn opened the public hearing at 7:16 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:16 p.m.

Public hearing to receive comment on the proposed tax rate of \$0.7780 per \$100 of valuation for the Fiscal Year 2019-2020 (2019 tax year).

Mayor Horn opened the public hearing at 7:17 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:17 p.m.

**CONSENT AGENDA**

Consider approval of the July 30, 2019 joint City Council and Planning Commission Workshop minutes.

Consider approval of the August 1, 2019 City Council Workshop meeting minutes.



*Should council approve the contractual rate increase of 3.224%, the effective date would be October 1, 2019. The current contract with Waste Connections ends September 30, 2020. Staff recommended approval.*

Council member Starkey moved to approve Addendum No.16 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Waste Connections of Texas (formerly Progressive Waste Solutions) to adjust rates paid to Waste Connections of Texas due to the net increase in the revised Consumer Price Index Rate for All Urban Consumers (CPI-U) for the Houston-Galveston-Brazoria, TX area, fuel cost adjustments, and operational costs pursuant to the agreement; and authorize the Mayor to sign. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Consider Ordinance 19-T, extending Chapter 28, Comprehensive Fee Ordinance for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2019 billing cycles; and setting forth other provisions related thereto.

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

*The City accounts for solid waste revenues and expenses in the Sanitation Fund. Over the past few years, the City has been able to sustain a "healthy" fund balance in the Sanitation fund as a result of the CPI-U provision in the City's ordinance. For FY20, the CPI-U has increased by 1.84%. However, instead of increasing the residential and commercial solid waste rates by 1.84% in accordance with the CPI-U provision in the City's ordinance, staff is recommending that Council approve and maintain the current solid waste rates for both residential and commercial businesses.*

*Should Council elect to apply the CPI-U adjustment per ordinance, then both residential and commercial rates will reflect a 1.84% increase, effective October 2019 billing cycles. Staff recommended approval of Ordinance 19-T.*

Council member Vela moved to approve Ordinance 19-T, extending Chapter 28, Comprehensive Fee Ordinance for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2019 billing cycles; and setting forth other provisions related thereto. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider Resolution 19-R-33, adopting the 2019 Drought Contingency Plan Update for the City of Alvin.

*The Texas Commission on Environmental Quality (TCEQ) requires that the City updates its Drought Contingency Plan every five (5) years. Staff has made the revisions to the Drought Contingency Plan as requested by TCEQ for adoption by City Council. The last update to this plan was September 2014 by Resolution 14-R-33.*

*Purpose and Intent of Drought Contingency Plan: In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply in emergency conditions. The Drought Contingency Plan follows 1-5 stages of conditions during drought conditions and sets parameters for water usage. These parameters aid in the conservation of water usage during these times. Staff recommended approval of Resolution 19-R-33.*

Brandon Moody, Utilities Superintendent presented this Resolution before City Council.

Council member Castro moved to approve Resolution 19-R-33, adopting the 2019 Drought Contingency Plan Update for the City of Alvin. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider an amendment to the Ambulance Billing and Related Professional Services Agreement with Advanced Data Processing, Inc. ("ADPI"), a subsidiary of R1 RCM Inc., a Delaware corporation ("ADPI"); and authorize the City Manager to sign the Agreement subject to legal review.

*This amendment provides changes to the existing contract by replacing the previous parent company name of "Intermedix" with "R1 RCM Inc.," reducing the fees to the City from 7.5% to 7.25%, adding a 3% fee for credit card payments, and an early termination fee. It also provides a three (3) year extension effective September 1, 2019, with an automatic renewable one (1) year periods. Staff recommended approval of this amendment.*

Council member Thompson moved to approve an amendment to the Ambulance Billing and Related Professional Services Agreement with Advanced Data Processing, Inc. ("ADPI"), a subsidiary of R1 RCM Inc., a Delaware corporation ("ADPI"); and authorize the City Manager to sign the Agreement subject to legal review. Seconded by Council member Starkey; 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. Junru Roland announced items of community interest; and reviewed the preliminary list for the September 5, 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.

Mrs. Roberts reviewed items of community interest.

Council member Arendell expressed his appreciation for the quality of services from the Parks and the Police Departments.

Council member Castro expressed his appreciation for the quality of services from the Parks, Police and Engineering Departments.

### **ADJOURNMENT**

Mayor Horn adjourned the meeting at 7:33 p.m.

PASSED and APPROVED the 5th day of September 2019.

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Paul A. Horn, Mayor

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



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a final plat of Hinson Acres (5026 Wickwillow Lane), being 5.02 acres of land, known as the easterly 38.05 feet of lot 10 and the adjoining westerly 220.48 feet of lot 9, of the N. Chatfield Subdivision, an addition in Brazoria County, Texas, according to the map or plat thereof recorded in volume 2, page 39, of the plat records of Brazoria County, Texas, and being a part of the F. Moore League, Abstract 100 less and except the southerly 20 feet thereof, City of Alvin ETJ, County of Brazoria, State of Texas.

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

**Summary:** On August 1, 2019, the Engineering Department received the final plat of Hinson Acres for review. The property is located at 5026 Wickwillow Lane, in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into two lots for conveyance of lot 2. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on August 20, 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:** 8/29/2019 SLH

**Supporting documents attached:**

- Final Plat of Hinson Acres

**Recommendation:** Move to approve the final plat of Hinson Acres (5026 Wickwillow Lane), being 5.02 acres of land, known as the easterly 38.05 feet of lot 10 and the adjoining westerly 220.48 feet of lot 9, of the N. Chatfield Subdivision, an addition in Brazoria County, Texas, according to the map or plat thereof recorded in volume 2, page 39, of the plat records of Brazoria County, Texas, and being a part of the F. Moore League, Abstract 100 less and except the southerly 20 feet thereof, City of Alvin ETJ, County of Brazoria, State of Texas.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

THE STATE OF TEXAS  
 KNOW ALL PERSONS BY THESE PRESENTS  
 COUNTY OF BRAZORIA

WE, JOHN M. HINSON AND SHELLY A. HINSON, owners of the property being subdivided, in this plat of HINSON ACRES, do hereby make subdivision of said property according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigned to warrant and defend the title to the land so dedicated.

In Testimony, hereto, the property owners have caused these present to be signed by \_\_\_\_\_ & \_\_\_\_\_ therunto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

THE STATE OF TEXAS  
 COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public for the State of Texas  
 My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS  
 COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public for the State of Texas  
 My Commission Expires: \_\_\_\_\_

- NOTES:
- BEARINGS AND SURFACE COORDINATE SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE. SCALE FACTOR: 0.99863488.
  - THIS PLAT HAS BEEN PREPARED UTILIZING A CITY PLANNING LETTER PROVIDED BY ABSTRACT SERVICES OF HOUSTON, A DIVISION OF TITLE HOUSTON HOLDINGS, FILE NUMBER OF 2019-06-0202, DATED JUNE 20, 2019.
  - THE SUBJECT PROPERTY LIES WITHIN ZONE "X", AS SCALED ON FEMA FIRM No. 48035C0285 H, MAP DATED JUNE 5, 1989. THIS INFORMATION IS FOR FLOOD INSURANCE PURPOSES ONLY AND WILL NOT IDENTIFY ANY SPECIFIC FLOODING HAZARDS WHICH MAY EXIST. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA MAPS ARE UPDATED.
  - SIDEWALKS MUST BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT.
  - NO BUILDING PERMITS SHALL BE ISSUED UNTIL ALL THE STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION, HAVE BEEN CONSTRUCTED.

**LIENHOLDER'S ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT**

We, SECURE FINANCIAL SERVICES, INC. DOING BUSINESS AS SECURE MORTGAGE COMPANY, or owners and holders of a lien against the property described in the plat known as HINSON ACRES, said lien being evidenced by instrument of record in Clerk's File Number 2018017385 of the Mortgage Records of Brazoria County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, \_\_\_\_\_ KNOWN TO ME TO BE THE PERSONS WHOSE NAME APPEARS ON THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SIGNATURE: \_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR STATE OF TEXAS

**METES AND BOUNDS DESCRIPTION OF**

BEING 5.02 ACRES OF LAND, KNOWN AS THE EASTERLY 38.05 FEET OF LOT 10 AND THE ADJOINING WESTERLY 220.48 FEET OF LOT 9, OF THE N. CHATFIELD SUBDIVISION, AN ADDITION IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 39, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS AND BEING A PART OF THE F. MOORE LEAGUE, ABSTRACT 100, LESS AND EXCEPT THE SOUTHERLY 20 FEET THEREOF AND BEING LOCATED IN THE COUNTY OF BRAZORIA, STATE OF TEXAS, SAID PROPERTY FOUND IN BRAZORIA COUNTY CLERK'S FILE NUMBER 2018017384, SAID 5.02 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, BASED ON GPS OBSERVATIONS):

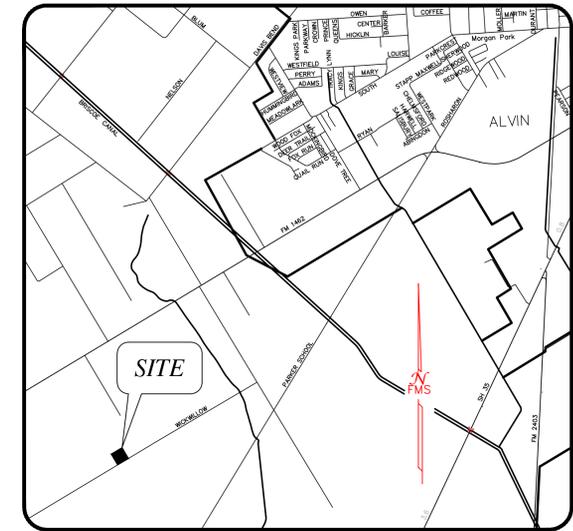
BEGINNING AT A 5/8 INCH IRON ROD FOUND AT THE COMMON CORNER BETWEEN THIS TRACT AND A CALLED 10.029 ACRE TRACT OWNED BY CHRIS W. AND DONNA CONNELLEY AS FOUND IN BRAZORIA COUNTY CLERK'S FILE NUMBER 2013023081;

THENCE, N 30°22'02" W, ALONG AND WITH THE COMMON LINE BETWEEN SAID CONNELLEY TRACT AND THIS TRACT A TOTAL DISTANCE OF 845.42 FEET TO AN IRON ROD WITH CAP SET, STAMPED FMS ON A COMMON LINE OF A CALLED 7.6879 ACRE TRACT OF LAND OWNED BY GENEVA T. HARPER AS FOUND IN BRAZORIA COUNTY CLERK'S FILE NUMBER 96010367;

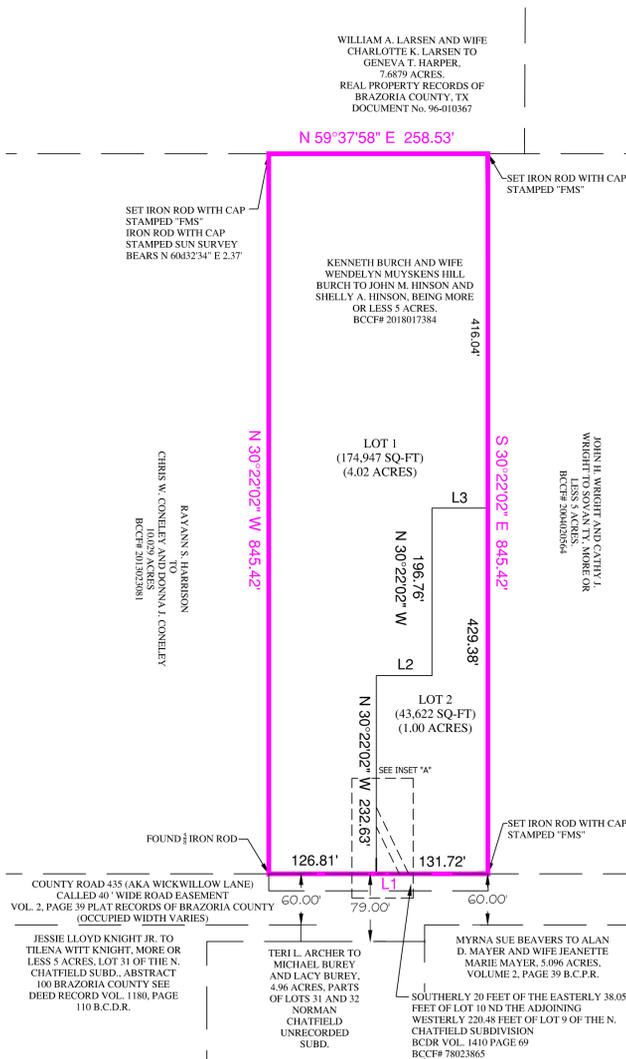
THENCE, N 59°37'58" E ALONG AND WITH SAID COMMON LINE BETWEEN SAID HARPER TRACT, A DISTANCE OF 258.53 FEET TO AN IRON ROD WITH CAP SET, STAMPED FMS AT THE COMMON CORNER BETWEEN THIS TRACT AND A CALLED 5 ACRE TRACT OWNED BY SOVANY T. AS FOUND IN BRAZORIA COUNTY CLERK'S FILE NUMBER 2004020564;

THENCE, S 30°22'02" E, ALONG AND WITH SAID COMMON LINE BETWEEN THIS TRACT AND THE TY TRACT A TOTAL DISTANCE OF 845.42 FEET TO AN IRON ROD WITH CAP SET, STAMPED FMS AT THE COMMON CORNER OF THIS TRACT AND THE TY TRACT AND LYING ON THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 435 (AKA WICKWILLOW LANE) CALLED 40' WIDE ROAD EASEMENT VOL. 2, PAGE 39 PLAT RECORDS OF BRAZORIA COUNTY (OCCUPIED WIDTH VARIES) AND ALSO BEING THE SOUTHERLY 20 FEET OF THE EASTERLY 38.05 FEET OF LOT 10 AND THE ADJOINING WESTERLY 220.48 FEET OF LOT 9 OF THE N. CHATFIELD SUBDIVISION BCDR VOL. 1410 PAGE 69 BCCF# 78023865.

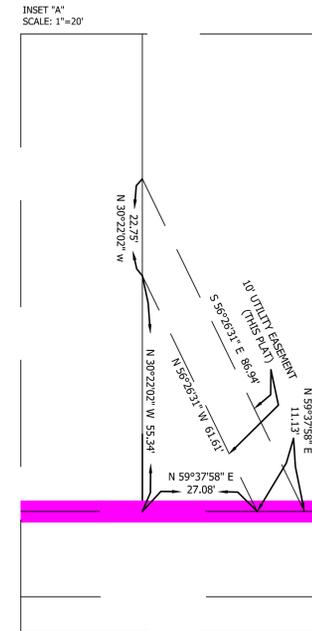
THENCE, S 59°37'58" W, ALONG AND WITH THE COMMON LINE BETWEEN THIS TRACT AND THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD 435, A TOTAL DISTANCE OF 258.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.02 ACRES OF LAND.



VICINITY MAP  
 1" = 2640'



LINE	BEARING	DISTANCE
L1	S 59°37'58" W	258.53'
L2	N 59°37'58" E	65.73'
L3	N 59°37'58" E	65.98'



**SURVEYOR:**  
 F.M.S. SURVEYING  
 19701 STATE HIGHWAY G,  
 MANVEL, TEXAS 77578  
 CONTACT: JASON P. SHERIDAN  
 PHONE: (281) 519-8530, EXT. 102  
 TBPLS FIRM # 10040400  
 www.fmsurveying.com  
 FMS 57898  
 DRAFTING: JPS



**FINAL PLAT OF HINSON ACRES**

BEING 5.02 ACRES OF LAND, KNOWN AS THE EASTERLY 38.05 FEET OF LOT 10 AND THE ADJOINING WESTERLY 220.48 FEET OF LOT 9, OF THE N. CHATFIELD SUBDIVISION, AN ADDITION IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 39, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS AND BEING A PART OF THE F. MOORE LEAGUE, ABSTRACT 100, LESS AND EXCEPT THE SOUTHERLY 20 FEET THEREOF.

CITY OF ALVIN ETJ  
 COUNTY OF BRAZORIA  
 STATE OF TEXAS

2 LOTS 1 BLOCK  
 DATE: AUGUST 21, 2019

**CERTIFICATE OF SURVEYOR**

I, SCOTT R. SHERIDAN, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT. WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTH (5/8) INCH AND A LENGTH OF NOT LESS THAN TWO (2) FEET, UNLESS OTHERWISE NOTED.

PRELIMINARY, THIS DOCUMENT IS NOT TO BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL DOCUMENT.

SCOTT R. SHERIDAN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6171

APPROVED BY CITY COUNCIL OF THE CITY OF ALVIN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

PAUL HORN MAYOR

MICHELLE SEGOVIA CITY ENGINEER

DIXIE ROBERTS CITY SECRETARY



# AGENDA COMMENTARY

Meeting Date: 9/5/2019

Department: Parks and Recreation

Contact: Dan Kelinske, Director

**Agenda Item:** Consider an Agreement with Horizon International Group LLC, through the Choice Partners Cooperative Purchasing Network, to provide and install bullet resistant teller windows and ballistic paneling for the Municipal Court and Utility Billing office suites within City Hall, in an amount not to exceed \$68,925.00; 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:** In an ongoing effort to improve safety and security of employees, staff recommends replacement of the current glass teller windows with bullet resistant windows and ballistic paneling below the counters for the Municipal Court and Utility Billing office suites.

In June 2019, the following safety and security projects were completed at City Hall: redirecting public access to the south entrance, centralizing handicapped parking, establishing an employee only entrance, and adding internal doorways for employees in both the Municipal Court and Utility Billing office suites.

Advantages of using Choice Partners Cooperative Purchasing Network:

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

For local vendors to be considered for this project, they must meet Horizon International Group LLC’s insurance requirements, expected quality of work and competitively submit a bid. Horizon has completed several building interior renovation projects for the City of Alvin, including the Senior Center, Public Service Facility, and most recently the Museum.

The pricing came in under what was originally anticipated. The cost was reduced from \$68,925, as stated in the posted agenda amount, to \$64,002.

The Court Security Fund (Fund 124) will fund one-half of this project, with the other half being funded by the General (Fund 311) and Utility (Fund 220) Capital Projects Funds.

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

**Funding Account:** Fund 124,311, 220 **Amount:** \$64,002.00 **1295 Form Required?** Yes  No

Legal Review Required: N/A  Required  Date Completed: 8/28/2019 SLH

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**Supporting documents attached:**

- Proposal
  - Agreement
- 

**Recommendation:** Move to approve an Agreement with Horizon International Group LLC through the Choice Partners Cooperative Purchasing Network in an amount not to exceed \$64,002.00 to provide and install bullet resistant teller windows and ballistic paneling for the Municipal Court and Utility Billing office suites within City Hall; and authorize the City Manager to sign the Agreement upon legal review

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**HORIZON INTERNATIONAL GROUP**  
4204 Bellaire  
Houston, TX 77025  
(713) 660-8282 Tel. (713) 660-0102 Fax

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August 28, 2019

Mr. Dan Kelinske  
Director of Parks and Recreations  
City of Alvin  
300W. Sealy St.  
Alvin, TX 77511

**Re: City of Alvin – City Hall Bullet Resistant Glass**

Dear Mr. Kelinske,

Horizon Group International is pleased to present our proposal for the above referenced project. This project is priced in accordance with our Job Order Contract through Choice Partners 15/041JN-08. The City Cost Index and Choice Partners Coefficient for standard working hours have been applied.

**SCOPE OF WORK**

Material, labor, supervision and equipment to complete the following:

1. Demo existing glazing system and millwork facia.
2. Install new level 3 bullet resistant glazing system.
3. Install new bullet resistant paneling on the lower portion of the millwork.
4. Refinish millwork upper and lower sections with matching plastic laminate.
5. Cut counter top and install pass through trays.

**NOTE:**

**Time of construction Anticipated at 14 Days**

Pricing for the Scope of Work is as follows:

RS Means Total	\$ 77,800.83
Houston City Cost Index @ .904	\$ (7,468.88)
Choice Partners Standard Coefficient @ .91	\$ (6,329.88)
Non pre priced Items cost	\$ 000.00
Permit	\$ 000.00
<b>Total (Rounded)</b>	<b>\$ 64,002.00</b>

We appreciate the opportunity to present this proposal and look forward to your review and approval.

Sincerely,

*Kyle Wadlington*

Cell: 832-340-3187

[kwadlington@hgiusa.com](mailto:kwadlington@hgiusa.com)



<b>Project: : City of Alvin – City Hall Bullet Proof Glass</b>		
<b>Description</b>	<b>Factor</b>	<b>Pricing</b>
<b>RS Means Total Bare Cost Estimate - TBCE (UPB)</b>		<b>\$77,800.83</b>
Houston City Cost Index (total weighted average) - TWACCI	0.904	
<b>SUBTOTAL A (TBCE*TWACCI)</b>		<b>\$70,331.95</b>
JOC COEFFICIENTS:		
Standard Working Hours (SWH)	0.91	
<b>SUBTOTAL (Subtotal A*SWH)</b>		<b>\$64,002.07</b>
Non Standard Working Hours (NSWH)	0.91	
<b>SUBTOTAL (Subtotal A*NSWH)</b>		<b>\$0.00</b>
<b>TOTAL NON-PREPRICED ITEMS COST:*</b>		
Standard Working Hours Work	1.125	\$0.00
<b>SUBTOTAL</b>		<b>\$0.00</b>
Non Standard Working Hours Work	1.13	
<b>SUBTOTAL</b>		<b>\$0.00</b>
<b>COH - PERMIT FEE**</b>	1.02	
		\$0.00
<b>TOTAL INCLUDING NON-PREPRICED ITEMS &amp; PERMIT FEES</b>		<b>\$64,002</b>
<b>TOTAL (ROUNDED OFF)</b>		<b>\$64,002</b>

\* Not to exceed \$50,000.00

\*\* Will be paid at actual cost plus profit

**COA Bullet Proof Glass**

**216 W Sealy St  
Alvin Texas**

Data Release : Year 2019 Qual **Unit Cost Estimate**

Quantity	LineNumber	Description	Unit	Ext. Total O&P	Notes
1	013113200200	Field personnel, project manager, average	Week	\$ 4,000.00	Requested by COA
2	013113200260	Field personnel, superintendent, average	Week	\$ 7,450.00	Requested by COA
5	044310451875	Granite carving or bas-relief, from templates or plaster molds, medium price, pinks, browns, etc.	C.F.	\$ 2,138.00	Line item used to cut existing counter top for trays
60	060505202000	Selective demolition, millwork and trim, paneling, 4' x 8' sheets, 1/4" thick	S.F.	\$ 31.80	
3	080505200280	Window demolition, aluminum, to 50 S.F.	Ea.	\$ 318.00	
80	080505200600	Window demolition, glass, up to 10 S.F. per window	S.F.	\$ 212.00	
81	084113205350	Tube framing, for window walls and storefronts, aluminum, stock, plain tube frame, mill finish, 2" x 4" mullion	L.F.	\$ 3,288.60	
1	084113205350	Tube framing, for window walls and storefronts, for black finish, add		\$ 716.85	[Adjusted by 084113208020]

81	084113205480	Tube framing, for window walls and storefronts, aluminum, column covers, 1/8" x 38"	L.F.	\$ 10,368.00	
24	084113207000	Tube framing, for window walls and storefronts, for joints, 90 degree, clip type, add	Ea.	\$ 684.00	
81	084113208150	Tube framing, for window walls and storefronts, for steel stiffener, add	L.F.	\$ 1,547.10	
16	090170100170	Gypsum wallboard, repairs, cut square, patch, sand and finish, holes, 8" to 12" square	Ea.	\$ 1,344.48	
50	099103200520	Paint preparation, surface protection, placement & removal, masking w/paper	S.F.	\$ 38.50	
150	099123721670	Painting walls, complete, on drywall or plaster, primer and 2 finish coats, with roller, including surface preparation	S.F.	\$ 291.00	
4	112216130500	Teller window, bank equipment, bullet resistant, 48" x 60"	Ea.	\$ 32,300.00	
0.3	116723100200	Shooting range, commercial, structural shell, incl. bullet traps, target provisions, controls, separators, ceiling system, etc.	Point	\$ 12,517.50	Line item used for ballistic mill work paneling
5	124636101220	Desk accessories, carafe, tray, maximum	Ea.	\$ 555.00	

**Total**

**\$ 77,800.83**

**HORIZON INTERNATIONAL GROUP**  
4204 Bellaire  
Houston, TX 77025  
(713) 660-8282 Tel. (713) 660-0102 Fax

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August 12, 2019

Mr. Dan Kelinske  
Director of Parks and Recreations  
City of Alvin  
300W. Sealy St.  
Alvin, TX 77511

**Re: City of Alvin – City Hall Bullet Resistant Glass**

Dear Mr. Kelinske,

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**SCOPE OF WORK**

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4. Refinish millwork upper and lower sections with matching plastic laminate.
5. Cut counter top and install pass through trays.

**NOTE:**

**Time of construction Anticipated at 14 Days**

Pricing for the Scope of Work is as follows:

RS Means Total	\$ 77,800.83
Houston City Cost Index @ .92	\$ (7,468.88)
Choice Partners Standard Coefficient @ .86	\$ (1,406.64)
Non pre priced Items cost	\$ 000.00
Permit	\$ 000.00
<b>Total (Rounded)</b>	<b>\$ 68,925.00</b>

We appreciate the opportunity to present this proposal and look forward to your review and approval.

Sincerely,

*Kyle Wadlington*

Cell: 832-340-3187

[kwadlington@hgiusa.com](mailto:kwadlington@hgiusa.com)



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<b>RS Means Total Bare Cost Estimate - TBCE (UPB)</b>		<b>\$77,800.83</b>
Houston City Cost Index (total weighted average) - TWACCI	0.904	
<b>SUBTOTAL A (TBCE*TWACCI)</b>		<b>\$70,331.95</b>
JOC COEFFICIENTS:		
Standard Working Hours (SWH)	0.98	
<b>SUBTOTAL (Subtotal A*SWH)</b>		<b>\$68,925.31</b>
Non Standard Working Hours (NSWH)	0.98	
<b>SUBTOTAL (Subtotal A*NSWH)</b>		<b>\$0.00</b>
<b>TOTAL NON-PREPRICED ITEMS COST:*</b>		
Standard Working Hours Work	1.125	\$0.00
<b>SUBTOTAL</b>		<b>\$0.00</b>
Non Standard Working Hours Work	1.13	
<b>SUBTOTAL</b>		<b>\$0.00</b>
<b>COH - PERMIT FEE**</b>	1.02	
		\$0.00
<b>TOTAL INCLUDING NON-PREPRICED ITEMS &amp; PERMIT FEES</b>		<b>\$68,925</b>
<b>TOTAL (ROUNDED OFF)</b>		<b>\$68,925</b>

\* Not to exceed \$50,000.00

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**COA Bullet Proof Glass**

**216 W Sealy St  
Alvin Texas**

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1	084113205350	Tube framing, for window walls and storefronts, for black finish, add		\$ 716.85	[Adjusted by 084113208020]

81	084113205480	Tube framing, for window walls and storefronts, aluminum, column covers, 1/8" x 38"	L.F.	\$ 10,368.00	
24	084113207000	Tube framing, for window walls and storefronts, for joints, 90 degree, clip type, add	Ea.	\$ 684.00	
81	084113208150	Tube framing, for window walls and storefronts, for steel stiffener, add	L.F.	\$ 1,547.10	
16	090170100170	Gypsum wallboard, repairs, cut square, patch, sand and finish, holes, 8" to 12" square	Ea.	\$ 1,344.48	
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150	099123721670	Painting walls, complete, on drywall or plaster, primer and 2 finish coats, with roller, including surface preparation	S.F.	\$ 291.00	
4	112216130500	Teller window, bank equipment, bullet resistant, 48" x 60"	Ea.	\$ 32,300.00	
0.3	116723100200	Shooting range, commercial, structural shell, incl. bullet traps, target provisions, controls, separators, ceiling system, etc.	Point	\$ 12,517.50	Line item used for ballistic mill work paneling
5	124636101220	Desk accessories, carafe, tray, maximum	Ea.	\$ 555.00	

**Total**

**\$ 77,800.83**

**Work Order Signature Document**

<b>CHOICE PARTNERS Contract No.: 1 5 / 0 4 1 J N - 0 8</b>			
<input checked="" type="checkbox"/>	<b>New Work Order</b>	<input type="checkbox"/>	<b>Modify an Existing Work Order</b>
Work Order Number.:	_____	Work Order Date:	<u>8/29/19</u>
Work Order Title:	City of Alvin Bullet Resistent Glass		
Owner Name:	City of Alvin	Contractor Name:	Horizon International Group, LLC
Contact:	Dan Kelinske	Contact:	Jeff Greytok
Phone:	832-473-8456	Phone:	361-563-1070

- |   |
|---|
| <b>Work to be Performed</b>   |
| <ol style="list-style-type: none"> <li>1. Demo existing glazing system and millwork facia.</li> <li>2. Install new level 3 bullet resistant glazing system.</li> <li>3. Install new bullet resistant paneling on the lower portion of the millwork.</li> <li>4. Refinish millwork upper and lower sections with matching plastic laminate.</li> <li>5. Cut counter top and install pass through trays.</li> </ol> |

<b>Time of Performance</b>	Estimated Start Date:	
	Estimated Completion Date:	
<b>Liquidated Damages</b>	Will apply:	Will not apply: <b>X</b>

<b>Work Order Firm Fixed Price: \$64,002.00</b>
Owner Purchase Order Number:

**Approvals**

Owner	Contractor
Date	Date



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** Finance

**Contact:** Michael Higgins, CFO

**Agenda Item:** Consider a one-year contract extension through December 31, 2020, with Wells Fargo Bank, for depository and banking services for the City of Alvin, Texas; and authorize the City Manager to sign upon legal review.

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

**Summary:** On August 20, 2015, Council approved a depository agreement with Wells Fargo to be the City's depository and provider of banking services. The current contract began on January 1, 2016, with an original end date of December 31, 2018. On October 18, 2018, Council approved the first one-year extension through December 31, 2019. Staff requests that Council approve the final one-year extension from January 1, 2020 through December 31, 2020 to Wells Fargo Bank. A Bank Depository RFP will begin in early 2020 to allow time to establish a new contract beginning January 1, 2021.

Staff recommends approval of this one-year contract extension.

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

**Funding Account:** Various accounts **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  **Date Completed:** 8/29/2019 SLH

## Supporting documents attached:

- Letter from Wells Fargo allowing an extension through 12/31/20

**Recommendation:** Move to approve a one-year contract extension through December 31, 2020, with Wells Fargo Bank, for depository and banking services for the City of Alvin; and authorize the City Manager to sign 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



Local Government Banking  
12650 N. Featherwood Dr.  
Suite 210  
Houston, TX 77034

October 1, 2018

Florence Chapa  
Interim Finance Director  
City of Alvin  
216 West Sealy  
Alvin, Texas 77511

Dear Mrs. Chapa,

Thank you for giving Wells Fargo the opportunity to extend the current contract with The City of Alvin from January 1, 2019 through December 31, 2019. Wells Fargo will continue to provide the banking services with the existing terms, conditions, and rates to help meet the city's financial goals. We appreciate your current business and look forward to building our relationship with you and the City of Alvin.

Sincerely,

A handwritten signature in blue ink that reads "Ann Battaglia".

Ann Battaglia

VP, Relationship Manager  
Wells Fargo Bank





# AGENDA COMMENTARY

Meeting Date: 9/5/2019

Department: Utilities/WWTP

Contact: Brandon Moody, Utilities Superintendent

**Agenda Item:** Consider an emergency purchase of a new Lakeside Raptor Multi-Rake Bar Screen and Lakeside Raptor Wash Press from Coastal Pump Services for use at the Wastewater Treatment Plant, in an amount not to exceed \$213,562.00.

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

**Summary:** The Bar Screen is located at the City of Alvin Wastewater Treatment Plant. This is an essential piece of equipment that removes solids from the wastewater before entering the plant. The current bar screen was installed in 2002 and has recently failed. It was disassembled, inspected, and determined to be unrepairable. Staff obtained three (3) quotes from various vendors for this purchase. Coastal Pump Services is the lowest quote received.

*Emergency purchases necessary to preserve or protect public health or safety and procurements necessary because of unforeseen damage to public machinery, equipment or other property are exempt from the competitive sealed bidding and competitive sealed proposal requirements of state law.*

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

**Funding Account:** 220-6003-00-4150 **Amount:** \$213,562.00 **1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  **Date Completed:** 8/28/2019 SLH

**Supporting documents attached:**

- Three (3) Bar Screen Quotes

**Recommendation:** Move to approve an emergency purchase of a new Lakeside Raptor Multi-Rake Bar Screen and Lakeside Raptor Wash Press from Coastal Pump Services for use at the Wastewater Treatment Plant, in an amount not to exceed \$213,562.00.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

# Coastal Pump Services, Inc.

## Quote

Date: 8/9/19    S.O. #: 12620    Salesman: CW    Customer P.O. #: \_\_\_\_\_

Customer: City of Alvin  
Contact: Jesse Rodriguez

Phone: 832-621-7387  
E-Mail: [Jrodriguez@cityofalvin.com](mailto:Jrodriguez@cityofalvin.com)

Repair Location: Waste Water Treatment Plant

---

We are pleased to quote the following:    Raptor Rake Screen, Wash Press, & SS Control Panel

INCLUDING: Remove Existing Rake Screen and Wash Press out of Service. Install New Lakeside Raptor Multi-Rake Screen and Lakeside Raptor Wash Press. Install and Wire in New Stainless Steel Explosion Proof Design Nema 4X Main Control Panel. Quote Includes Removal, Installation, and Testing of all Equipment. All New Components come with a 2 Year Factory Warranty. Please see Attachments for more information or contact Chad Wendt at [Chad@coastalpump.com](mailto:Chad@coastalpump.com) or 281-915-5388

**Quoted Price: \$213,562.00**

TERMS: Net 30 days

WARRANTY: New equipment will be warranted for ONE YEAR Manufactures' warranty or other specified. Rebuilt equipment will be warranted for **ONE YEAR** based on workmanship, parts and labor. All electrical components on motor's (rewind/recondition) are subject to inspection for cause of failure.

Quoted price valid for 30 days and does not include any applicable taxes.

To expedite service, please sign form, include purchase order number, and fax back to Coastal Pump Services. Any equipment left over 90 days without decision is subject to be discarded.

Thank you for your consideration. Please feel free to contact us with any questions.

---

Customer

---

Chad Wendt

---

Customer's Name (Print)

---

Date

August 28, 2019

Jesse Rodriguez  
City of Alvin  
Public Services Department  
1100 W. Highway 6  
Alvin, Texas 77511

Re: City of Alvin WWTP Optimization Improvements Phase II

Dear Mr. Rodriguez,

We are pleased to submit our quotation for furnishing of the Mechanical Bar Screen and Compactor at the above referenced project. Our quotation is the lump sum amount of \$215,000.00. Please be advised that this only includes the replacement of mechanical screen; and, the installation of a new compactor to mate with the screen. We are to reuse the existing control panel. Please let me know if you have any questions.

Sincerely,

*Tony Gonzalez*

Project Manager

cc: File A1



Water & Wastewater Technology

PROCESS EQUIPMENT

TO: City of Alvin
7100 Cr 160
Alvin, TX 77511
Email: jrodriguez@cityofalvin.com

ATT: Jesse Rodriguez
PH: (832) 621-7387
FAX:

Summary of Project:

Scope of Supply

Prices Valid For Thirty (30) Days
Freight: F.O.B Factory/ F.F.A
Terms: Net 30 Days - No Retentions

QUOTATION

3104 Washington St.
Waller, TX 77484
P: (936) 372-5272 F: (936) 372-9224

Table with columns: DATE, QUOTE NO., PAGE 1 OF 3. Includes referenced project details: Alvin TX Replacement Bar Screen & Screwpacktor with Installation. Contact: Roland Wilson @ (281) 770-4536

- 1. If submittals are required with your order, they will be supplied according to the manufacturer's schedule.
2. Shipping schedules are based on current material availability and procurement lead times, at time of order. Equipment availability will be verified at the time of order and delivery dates will be adjusted accordingly, if applicable.

THIS QUOTATION IS SUBJECT TO THE ATTACHED GENERAL TERMS AND STANDARD CONDITIONS OF SALE - TWO (2) PAGES

Table with columns: ITEM, QTY, DESCRIPTION, UNIT COST, TOTAL COST. Row A: 1 Headworks MS2 Bar Screen and SW W220 Screw Compactor (Screwpacktor) with installion of Screen and Screwpacktor. Total Price: \$237,000.00

\*\*All Orders Are Processed in the Waller, Texas Office\*\*

Is Freight Included: ( X ) Yes ( ) No

Roland Wilson
Sales Representative Name

Delivery:\* 16 - 20 Weeks (after approved submittals, if applicable)

\*Subject to availability at time of order

Signed & Accepted this \_\_\_ day of \_\_\_ 2019

NOTES:

- 1. Startup, installation or sales tax is not include in this quote.
2. Sale Tax Certificate and W9 have to be supplied with signed quote or PO.
3. First time orders are subject to verifiable credit references.
4. Unless otherwise noted above, FREIGHT is not included in quote.
5. Purchase Orders are required on orders over \$ 5,000.00.
6. If applicable, a Project Info form will be supplied and must be completed and returned before submittals and/or shipment occurs.

(Name) (Title)
(Printed Name)



# AGENDA COMMENTARY

Meeting Date: 9/5/2019

Department: EMS

Contact: Ron Schmitz, EMS Director

**Agenda Item:** Consider Ordinance 19-U, amending Chapter 8½, Emergency Medical Services, and Chapter 28, Comprehensive Fee Ordinance, for the purpose of revising certain Emergency Medical Service fees; providing for a Utility Fee for Emergency Medical Services to be added to residential/commercial utilities for an effective date of October 2019; and setting forth other provisions related thereto.

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

**Summary:** The City's current ordinance allows resident residents to pay a "voluntary and elective contribution" on their utility bill for which the City will forgive that portion of the Emergency Medical Service's (EMS) bill, not covered by a third-party insurance carrier. This voluntary contribution is currently \$7 per month. However, with continued reductions in private and public insurance payments, the EMS fund's current revenues are not able to adequately support operations. To illustrate, in FY17, FY18, and (projected) FY19 the EMS fund incurred net operating losses of \$171,343, \$187,001, and (projected) \$382,850, respectively.

In order to provide sustainable revenues and future operational growth, City staff is recommending a mandatory fee of \$6 per month be added to the residential utility bill, \$6 per month per occupied unit for apartment complexes or mobile home park serviced by a master meter, and \$10 per month for commercial accounts. This would allow the City to forgive all resident's EMS bills that are not covered by a third-party insurance carrier. This means that anyone who lives in the City would not be financially responsible for any EMS bill that is not covered by insurance. Currently, if a resident does not pay the voluntary contribution and they required EMS transport to a hospital, they would receive a bill for \$2,000.00 (on average). The average insurance coverage would pay \$750.00 leaving a balance of \$1,250.00 for which the resident would be responsible for. If Council approves the proposed fee, the resident in the above scenario would owe \$0 after any insurance payments (no out-of-pocket charges). This applies to all permanent residents of a household. Residents would be covered by this benefit beginning October 1, 2019, and the EMS utility fee would begin in the first billing cycle for October 2019.

Should City Council elect not to adopt Ordinance 19-U, the EMS fund is projected to incur a negative cash flow by the end of FY20. Staff recommends the approval of Ordinance 19-U.

**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:** 8/27/2019 SLH \_\_\_\_\_

**Supporting documents attached:**

- Ordinance 19-U
- 

**Recommendation:** Move to approve Ordinance 19-U, amending Chapter 8½, Emergency Medical Services, and Chapter 28, Comprehensive Fee Ordinance, for the purpose of revising certain Emergency Medical Service fees; providing for a Utility Fee for Emergency Medical Services to be added to residential/commercial utilities for an effective date of October 2019; and setting forth other provisions related thereto

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

ORDINANCE NO. 19-U

**AN ORDINANCE AMENDING CHAPTER 8½, EMERGENCY MEDICAL SERVICES, AND CHAPTER 28, COMPREHENSIVE FEE ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF REVISING CERTAIN EMERGENCY MEDICAL SERVICE FEES; PROVIDING FOR UTILITY FEE FOR EMERGENCY MEDICAL SERVICES TO BE ADDED TO RESIDENTIAL/COMMERCIAL UTILITIES FOR AN EFFECTIVE DATE OF OCTOBER 2019; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

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

**Section 1.** That the Code of Ordinances, City of Alvin, Texas, Chapter 8½, Emergency Medical Services, is hereby amended to read as follows:

**“Chapter 8 ½**

**Emergency Medical Services**

...

Sec. 8½-18. - Fees for service; refunds; billing and collection.

(a) In order to partially defray the costs incurred by the city in providing ambulance service, the following fees are hereby established to be collected for the provision of emergency ambulance service by the city:

- (1) A user fee in the amount set forth in [chapter 28](#) of this Code, payable by or on behalf of the person served upon billing by the city, for any transport of a resident citizen of the city via the emergency medical service department ambulance system. Every resident citizen transported by the emergency medical service department shall owe this fee; provided, however, that the city shall forgive that portion of the fee not covered by a third-party insurance carrier if the resident citizen has ~~made the voluntary and elective contribution~~ paid the EMS Utility Fee set forth in [chapter 28](#) of this Code to the emergency medical service department contained on the resident's utility bill for the billing period immediately preceding the use of the emergency ambulance service.

~~In lieu of the payment of the monthly contribution on the resident's utility bill, a resident citizen of the city may contribute an annual lump sum payment as set forth in [chapter 28](#) of this Code.~~

- (2) The user fee set forth in [chapter 28](#) of this Code payable by or on behalf of the person served upon billing by the city, for any transport of nonresident citizen via the emergency medical service department ambulance system. Every nonresident citizen transported by the emergency medical service department shall owe this fee; provided, however, that the city shall forgive that portion of the fee not covered by a third-party insurance carrier if the nonresident citizen has made the voluntary and elective contribution set forth in [chapter 28](#) of this Code to the emergency medical service department within the twelve (12) months immediately preceding the use of the emergency ambulance service.

- (3) An apartment complex or mobile home park serviced by a master meter ~~may~~ shall pay ~~the monthly voluntary and elective contribution~~ EMS Utility Fee set forth in chapter 28 of this Code for each occupied unit which shall be determined on a quarterly basis as provided for water utility purposes in section 25-13.1 of this Code. In such event, all the residents of that apartment complex or mobile home park shall be deemed covered for emergency medical ambulance service and the city shall forgive that portion of the fee not covered by a third-party insurance carrier upon proof of residence within such apartment complex or manufactured home park. This subparagraph applies to apartment complexes and manufactured home parks within the City of Alvin.”

...

**Section 2.** That the Code of Ordinances, City of Alvin, Texas, Chapter 28, Comprehensive Fee Ordinance, is hereby amended to read as follows:

### “Chapter 28

#### Comprehensive Fee Ordinance

...

Sec. 28-2. - In general.

#### **EMERGENCY MEDICAL SERVICES**

- (1) Emergency ambulance transport:
- (a) Resident, per transport: Reasonable and customary charges
  - (b) Nonresident, per transport: Reasonable and customary charges
- (2) ~~Voluntary and elective contribution~~ Utility Fee for emergency medical service:
- (a) Resident, per month for each individual ..... ~~\$7.00~~ 6.00  
~~Or per year (annual lump sum payment) ..... \$84.00~~
  - (b) Nonresident, per year ..... ~~\$168.00~~ 144.00
  - (c) Apartment complex or mobile home park serviced by a master meter per each occupied unit ..... ~~\$5.00~~ 6.00
  - (d) Commercial business ..... \$10.00”

...

**Section 3. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 4. Code of Ordinances.** It is the intention of the Council that this Ordinance shall become a part of the Code of Ordinances of the City of Alvin, Texas, and may be renumbered and codified therein accordingly.

**Section 5. Effective Date.** This Ordinance shall take effect immediately after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code the City of Alvin Charter.

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

**PASSED AND APPROVED** on first and final reading on the \_\_\_\_\_day of September 2019.

**CITY OF ALVIN, TEXAS:**

**ATTEST:**

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

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



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** City Manager's Office

**Contact:** Junru Roland, City Manager

**Agenda Item:** Consider Ordinance 19-V, amending Chapter 28, Comprehensive Fee Ordinance, for the purpose of revising the fees to be charged for water services, by offering a twenty percent Senior Discount on single family residential water base rate for the first increment of water usage up to and including 2,000 gallons, for an effective date of October 2019 billing cycles; and setting forth other provisions related thereto.

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

**Summary:** Beginning in FY20, staff recommends that a discount be offered to Senior Citizens (65+) who have single family residential water accounts. The 20% discount will be applied to the first increment of water usage up to and including 2,000 gallons on the base water rate. Staff recommends approval of Ordinance 19-V.

If approved, this discount will be advertised on the city's website, social media and in the Alvin Sun.

**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:** 8/29/2019 SLH

**Supporting documents attached:**

- Chapter 28 Comprehensive Fee Ordinance (redlined)

**Recommendation:** Move to approve Ordinance 19-V, amending Chapter 28, Comprehensive Fee Ordinance, for the purpose of revising the fees to be charged for water services, by offering a twenty percent Senior Discount on single family residential water base rate for the first increment of water usage up to and including 2,000 gallons, for an effective date of October 2019 billing cycles; and setting forth other provisions related thereto.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**ORDINANCE 19-V**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS AMENDING CHAPTER 28, COMPREHENSIVE FEE ORDINANCE OF THE CODE OF ORDINANCES FOR THE PURPOSE OF REVISING THE FEES TO BE CHARGED FOR WATER SERVICES, BY OFFERING A TWENTY PERCENT SENIOR DISCOUNT ON SINGLE FAMILY RESIDENTIAL WATER BASE RATE FOR THE FIRST INCREMENT OF WATER USAGE UP TO AND INCLUDING 2,000 GALLONS, FOR AN EFFECTIVE DATE OF OCTOBER 2019 BILLING CYCLES, AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

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

**Section 1:** Section 28-2 *Water and Sewer* is amended to read as follows

Sec. 28-2. - In general.

(9) Water rates (monthly charges):

*Inside the city limits:*

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

**Effective FY 2019-20, a Senior Citizen (65 years or older) discount will be offered to single family residential customers at a rate of 20% of the minimum base rate.**

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
For residential and multifamily users	\$12.95	\$15.15	\$18.18	\$19.27	\$20.43
For commercial users	\$13.59	\$15.90	\$19.09	\$20.23	\$21.44

For the second increment of water usage from 2,001—7,000 gallons of water, per 1,000 gallons:

FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
\$3.31	\$3.87	\$4.65	\$4.93	\$5.22

For the third increment of water usage from 7,001 gallons and above, per 1,000 gallons:

FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
\$5.05	\$5.91	\$7.09	\$7.52	\$7.97

*Outside the city limits:*

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

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

*Bulk Water:*

Bulk water Fee ..... \$30 per 1,000 gallons

*Brazoria County Groundwater Conservation District user fee:*

For the first increment of water usage up to and including 2,000 gallons, minimum rate ..... \$0.08

For the second increment of water usage, from 2,001 gallons of water, per 1,000 gallons ..... \$0.04

TCEQ (Texas Commission on Environmental Quality) user fee: ..... \$0.50

(10) Wastewater rates (monthly charges):

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

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

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
For residential & multi-family users	\$20.08	\$23.49	\$28.19	\$29.88	\$31.68
For commercial users	\$20.66	\$24.17	\$29.00	\$30.74	\$32.59

For the additional incremental water usage in excess of 2,000 gallons, per 1,000 gallons:

FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
\$3.31	\$3.87	\$4.65	\$4.93	\$5.22

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

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Monthly Charge	\$46.62	\$54.55	\$64.46	\$69.39	\$73.55

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

*Outside the city limits:*

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

(11) Winter averaging:

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

**Section 2:** That if any provision of this ordinance or application thereof to any person or circumstance is held invalid by any court, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Alvin, Texas, hereby declares that it would have enacted such remaining portions despite any such invalidity.

**Section 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 4:** That this ordinance shall affect the billings for the items in this Ordinance on the first day of October 2019.

Passed and Approved on this 5<sup>th</sup> day of September 5, 2019.

**CITY OF ALVIN, TEXAS:**

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Suzanne Hanneman, City Attorney



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider Resolution 19-R-35, accepting the petition for annexation of 3.97 acres, more or less, parcel of land located along State Highway 35 and Moore Road, in Brazoria County, Texas; setting an annexation schedule that includes public hearings on October 3, 2019 and October 17, 2019; providing for open meetings and other related matters.

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

**Summary:** Jacob Stauffer, the Manager of DGOGAlvintx10252018, LLC., is petitioning the City to annex approximately 3.97 acres of land, for the purpose of developing the tract by constructing a Dollar General Store. A final plat of the property, entitled Lenamon Grove Addition, was approved by City Council on March 7, 2019.

This Resolution will set two public hearings for October 3, 2019, and October 17, 2019. Staff recommends approval of Resolution 19-R-35.

**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:** 8/27/2019 SLH

## Supporting documents attached:

- Resolution 19-R-35
- Exhibit A and Exhibit B
- Request & Petition to Annex to the City Council of the City of Alvin For Annexation of Property

**Recommendation:** Move to approve Resolution 19-R-35, accepting the petition for annexation submitted by DGOGAlvintx10252018, LLC. and approving the annexation schedule to include public hearings on October 3, 2019 and October 17, 2019.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**RESOLUTION NO. 19-R-35**

**A RESOLUTION OF THE CITY OF ALVIN, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 3.97 ACRE, MORE OR LESS, PARCEL OF LAND LOCATED ALONG STATE HIGHWAY 35 AND MOORE ROAD, IN BRAZORIA COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.**

**WHEREAS**, the owner of certain property located within Brazoria County, Texas, has petitioned the City of Alvin, Texas, (herein the “City”), a home-rule City, for annexation of said property, more particularly described herein (the “subject property”), into the City limits;

**WHEREAS**, the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

**WHEREAS**, after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City’s annexation plan pursuant to §43.052 (h)(2) of the Local Government Code; and

**WHEREAS**, the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

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

**Section 1. Findings.** The foregoing recitals are hereby 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. Proceedings.** The petition for annexation of all portions of the following property not previously annexed into the City, and the draft services plan shown in Exhibit “B,” submitted by Petitioner, are hereby accepted:

A 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said 3.36 acre tract being more particularly shown and described in the Exhibit “A” attached hereto and incorporated herein for all purposes.

Two (2) public hearings are set for the dates of October 3, 2019, and October 17, 2019. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

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

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of September 2019.

**THE CITY OF ALVIN, TEXAS**

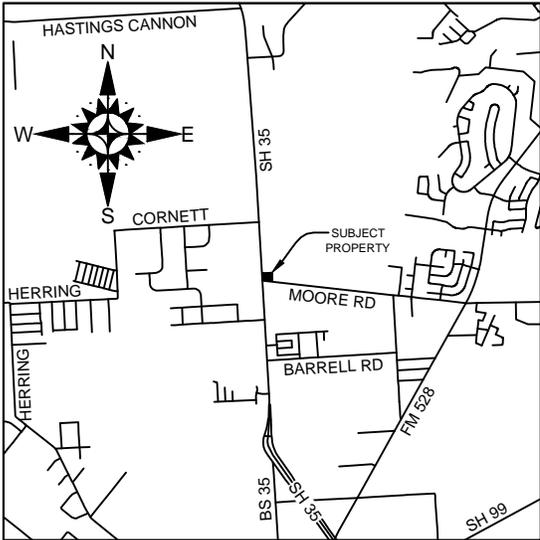
**ATTEST**

---

Paul A. Horn, Mayor

---

Dixie Roberts, City Secretary



**VICINITY MAP**  
(1" = 1.3 MILES)

STATE HIGHWAY 35  
(APPARENT 100' R.O.W.)

N 03°14'03" W 532.49'

FOUND 2-1/2" IRON PIPE

91.50'

**POINT OF BEGINNING**

Y = 13,739,152.24'  
X = 3,162,785.90'

MOORE ROAD  
(VARIABLE WIDTH R.O.W.)

N 83°49'51" W 307.21'

CALLED 1.0 ACRES  
CHARLES M. JACKSON, JR.  
DOC. NO. 1994009467  
O.P.R.B.C.T.

FOUND 1" IRON PIPE

S 87°32'14" E 332.79'

CALLED 0.8222 ACRES  
CHARLENE ELKINS  
DOC. NO. 1993006439  
O.P.R.B.C.T.

108.22'

FOUND 1" IRON PIPE

S 01°21'32" E 171.33'

CALLED 2.8757 ACRES  
JEROMIE A. ISBELL AND  
AUTUMN N. CATES  
DOC. NO. 2018024716  
O.P.R.B.C.T.

298.64'

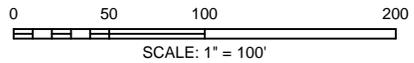
S 00°09'39" W 379.08'

CALLED 3.36 ACRES  
DGO GALVINTX10252018, LLC  
DOC. NO. 2019034970  
O.P.R.B.C.T.

3.97 ACRES  
(173,026 SQ. FT.)

**LEGEND**

- ⊙ SET 5/8" IRON ROD WITH CAP STAMPED "FRONTIER 10082900"
- FOUND 5/8" IRON ROD
- FOUND IRON PIPE



The undersigned hereby certifies that an on the ground survey was conducted under my direction and supervision that meets the minimum requirements set forth by the Texas Board of Professional Land Surveying.

**NOTES**

1. Coordinates and bearings are based on NAD83 (2011), Texas South Central Zone. All distances are U.S. Survey Feet (grid).

**ANNEXATION EXHIBIT**

BEING a 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGO GALVINTX10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said called 3.36 acre tract

Job Number:	1810014	Scale:	1" = 100'
Field Date:	6/27/2019	Checked by:	AWK
Field Tech(s):	NL	Office Tech(s):	CMB
Drawing Date:	8/7/2019	Revision:	

**FRONTIER**  
SURVEYING COMPANY  
WWW.FRONTIERSURVEYING.COM  
710 BUFFALO ST., SUITE 700  
CORPUS CHRISTI, TEXAS 78401  
TBPLS FIRM NO. 10082900  
PHONE: (361) 881 - 8044

## 3.97 Acres

### Metes and Bounds Description

**BEING** a 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said called 3.36 acre tract, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point (Y = 13,739,152.24', X = 3,162,785.90') at the intersection of the south line of said Moore Road and the east line of State Highway 35 (an apparent 100-foot wide right-of-way);

**THENCE** North 03°14'03" West, along said east line, passing at a distance of 91.50 feet a 2.5-inch iron pipe found marking the southwest corner of said called 3.36 acre tract, and continuing a total distance of 532.49 to a 1.5-inch iron pipe found marking the common west corner of said called 3.36 acre tract and that certain called 1.0 acre tract of land described in deed to Charles M. Jackson, Jr., as recorded in Document No. 1994009467, O.P.R.B.C.T.;

**THENCE** South 87°32'14" East, along the north line of said called 3.36 acre, passing at a distance of 224.57 feet a 1-inch iron pipe found marking the common south corner of said called 1.0 acre tract and that certain called 0.8222 acre tract of land described in deed to Charlene Elkins, as recorded in Document No. 1993006439, O.P.R.B.C.T., and continuing a total distance of 332.79 feet to a 1-inch iron pipe found marking the common north corner of said called 3.36 acre tract and that certain called 2.8757 acre tract of land described in deed to Jeromie A. Isbell and Autumn N. Cates, as recorded in Document No. 2018024716, O.P.R.B.C.T.;

**THENCE** South 01°21'32" East, along the common line of said called 3.36 acre and 2.8757 acre tracts, a distance of 171.33 feet to a 5/8-inch iron rod found;

**THENCE** South 00°09'39" West, continuing along said common line, passing at a distance of 298.64 feet the southwest corner of said called 2.8757 acre tract, and continuing a total distance of 379.08 feet to a point on the aforesaid south line of Moore Road;

**THENCE** North 83°49'51" West, along said south line, a distance of 307.21 feet to the POINT OF BEGINNING and containing 3.97 acres (173,026 square feet) of land.

Coordinates and bearings are based on NAD83 (2011), Texas South Central Zone.  
All distances are U.S. Survey Feet (grid).

Prepared By:

Frontier Surveying Company  
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Registered Professional Land Surveyor  
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**Exhibit “B”**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF ALVIN**

**WHEREAS**, the City of Alvin, Texas (the “City”) intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the “subject property”);

**WHEREAS**, Section 43.056 of the Texas Local Government Code, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that are existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits, and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43 of the Texas Local Government Code to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD and the volunteer fire department.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in state law and duly adopted ordinances.

(2) **Scheduled Municipal Services.** Due to the location of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property's owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

(3) **Specifically Excluded Municipal Services.** Due to the location of the subject property, the following municipal services cannot be provided:

A. Waste water service.

STATE OF TEXAS

§

COUNTY OF BRAZORIA

§

§

**REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF ALVIN  
FOR ANNEXATION OF PROPERTY**

**WHEREAS**, the undersigned is the owner of a certain tract of property located within Brazoria County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the “subject property”);

**WHEREAS**, the undersigned has sought the annexation of the subject property by the City of Alvin, Texas (hereinafter sometimes referred to as “City”), in order to obtain the benefits of City services to the subject property by the City;

**WHEREAS**, the subject property is contiguous and adjacent to the corporate limits of the City;

**WHEREAS**, the City, pursuant to §43.021 of the Texas Local Government Code and the request of the property owner, is authorized to annex the subject property; and

**WHEREAS**, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

**NOW THEREFORE**, the undersigned by this Petition and Request:

**SECTION ONE:** Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Alvin, Texas, of all portions of the subject property not previously annexed into the City and further described as follows:

A 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said 3.36 acre tract being more particularly shown and described in the Exhibit “A” attached hereto and incorporated herein for all purposes.

**SECTION TWO:** Requests that after annexation the City provide such services as are legally permissible and provided by the City, including water and general governmental services as set forth in the municipal services plan.

**SECTION THREE:** Acknowledges and represents having received, read and understood the attached “draft” Service Plan, attached hereto as Exhibit “B” (proposed to be applicable to and adopted for the subject property), and that such “draft” Service Plan is wholly adequate and



**Exhibit "A"**

**DESCRIPTION OF THE SUBJECT PROPERTY**

A 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said 3.36 acre tract and being more fully described in the attached.

**Exhibit "B"**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF ALVIN**

**WHEREAS**, the City of Alvin, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

**WHEREAS**, Section 43.056 of the Texas Local Government Code, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that are existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits, and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43 of the Texas Local Government Code to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD and the volunteer fire department.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in state law and duly adopted ordinances.

(2) **Scheduled Municipal Services.** Due to the location of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property's owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

(3) **Specifically Excluded Municipal Services.** Due to the location of the subject property,

the following municipal services cannot be provided:

- A. Waste water service.



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider Resolution 19-R-34, revising the Special Districts Policy for the City of Alvin and renaming to Alvin Development Proposal Guidelines, including criteria and guidelines governing Municipal Utility Districts, Tax Increment Reinvestment Zones, Planned Unit Developments, and Public Improvement Districts within the city limits and in its extra territorial jurisdiction (ETJ); and setting forth related matters thereto.

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

**Summary:** The City of Alvin established a set of development guidelines in 2007. This was to establish a common understanding and consistent approach to guide developers, City staff, the Planning Commission, and the general public through an evaluation process for development proposals that request City consideration. This policy with guidelines is being revised to better reflect the 2035 Comprehensive Plan and our future growth patterns. It will be applicable within the City and within its Extra-Territorial Jurisdiction (“ETJ”). For those proposed developments that meet the goals and criteria of these guidelines, the City is willing to consider the following types of special districts: Municipal Utility Districts (“MUD”), Tax Increment Reinvestment Zones (“TIRZ”), Planned Unit Developments (“PUD”), and Public Improvement Districts (“PID”). This has a table of the requirements and a process for review and recommendation to the full Council. Staff recommends approval of Resolution 19-R-34. Staff has also added the step of presenting new development projects before Planning Commission before coming to City Council for consideration.

The Planning Commission unanimously approved the proposed guidelines at their meeting on August 20, 2019.

**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:** 8/29/2019 SLH

## Supporting documents attached:

- Resolution 19-R-34
- Alvin Development Proposal Guidelines
- Alvin Internal Review Questions

**Recommendation:** Move to approve Resolution 19-R-34, revising the Special Districts Policy for the City of Alvin and renaming them to City of Alvin Development Proposal Guidelines; including criteria and guidelines governing Municipal Utility Districts, Tax Increment Reinvestment Zones, Planned Unit Developments, and Public Improvement Districts

within the city limits and in its extra territorial jurisdiction (ETJ); and setting forth related matters thereto.

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

## RESOLUTION 19-R-34

**A RESOLUTION OF THE CITY OF ALVIN, TEXAS, REVISING THE SPECIAL DISTRICTS POLICY FOR THE CITY OF ALVIN AND RENAMING TO ALVIN DEVELOPMENT PROPOSAL GUIDELINES, INCLUDING CRITERIA AND GUIDELINES GOVERNING MUNICIPAL UTILITY DISTRICTS, TAX INCREMENT REINVESTMENT ZONES, AND PUBLIC IMPROVEMENT DISTRICTS BOTH WITHIN THE CITY LIMITS AND IN ITS EXTRA TERRITORIAL JURISDICTION (ETJ); AND SETTING FORTH RELATED MATTERS THERETO.**

**WHEREAS**, the City of Alvin established a common understanding and consistent approach to guide developers, City staff, the Planning Commission, and the general public through an evaluation process for development proposals that request City consideration of a special district; and

**WHEREAS**, the policy that the City established in 2007, is now being revised to better meet the 2035 Comprehensive Plan and future growth patterns of the City and within its Extra-Territorial Jurisdiction (“ETJ”); and

**WHEREAS**, for those proposed developments that meet the goals and criteria of these guidelines, the City is willing to consider the following types of special districts: Municipal Utility Districts (“MUD”), Tax Increment Reinvestment Zones (“TIRZ”), Public Improvement Districts (“PID”), and Planned Unit Development (“PUD”); and

**WHEREAS**, this document has a Purpose, Guidelines, and Process section to include direction for both developers and City staff, and a process for review by Planning Commission and then recommendations to the City Council; and

**WHEREAS**, the City of Alvin will consider the use of special districts to promote new development and redevelopment where it can be demonstrated that an increase in tax base can reasonably be expected and the overall quality of life for people who live and work in the City can be improved; and

**WHEREAS**, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

**Section 1. Findings.** The foregoing recitals are hereby 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. Proceedings.** That the City of Alvin Development Proposal Guidelines attached hereto as “Exhibit A” are hereby adopted as the development guidelines for the City of Alvin, effective as of the passing of this Resolution.

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

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of September 2019.

**CITY OF ALVIN, TEXAS**

**ATTEST**

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

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

# City of Alvin Development Proposal Guidelines



Adopted

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# City of Alvin Development Proposal Guidelines

## **Purpose**

This document is intended as a communication tool for landowners and developers of the City of Alvin's guidelines regarding the construction and financing of public infrastructure. The City believes it is mutually beneficial to openly communicate and partner with persons wishing to develop properties within the City.

Recognizing that each property is unique, this document is NOT intended to define strict regulations, but instead is intended to create the starting point for negotiations to identify the best possible solutions tailored to the unique needs of each situation.

## **Guiding Principles**

1. The development of property within the City and ETJ should assist the City in implementing the goals of the comprehensive plan and add value to the community.
2. New land developments should be responsible for funding the infrastructure required to serve the demands of the development.
3. Funding for "oversizing" or "regionalization" of infrastructure should be allocated in an equitable manner.
4. The City will treat like properties in an equitable manner, recognizing that the particular circumstances are unique, and therefore, the solutions for each property will be unique.
5. To the greatest extent possible, infrastructure that is constructed to serve individual properties should comply with the City's master plans and fit into a cohesive regionalized system.

## **Process**

1. Before submitting a development proposal to the City, landowners and developers are encouraged to review the City's Comprehensive Plan, Water and Wastewater Master Plan, Thoroughfare Plan, and Parks Plan as they pertain to the property in question. Links to these plans may be found on the City of Alvin web site under the Engineering Department tab, then the City of Alvin Development Proposal Guidelines
2. Applicants are encouraged to meet with City staff before preparing concept plans and/or development proposals. Please contact the City Engineering Department at 281-388-4351 to schedule a meeting
3. Applications, including land plans, infrastructure plans with flood plain delineation, and proposals for public financing need to respect and illustrate compliance with the City's plans listed above.
4. Once development proposals are prepared and submitted to the City, they will be reviewed by City staff against these guidelines and city ordinances. Upon completion, the project will be presented to the City Planning Commission for consideration of a recommendation to City Council.
5. Development proposals, when justified, may be reduced to a development agreement following the guidelines contained in this document. This agreement will be facilitated by city staff and when complete presented to City Council for consideration. This process may include a council workshop for presentation of the project and dialog.
6. Upon approval of the development agreement by the City of Alvin, applications for subdivision plats, infrastructure plans, and building permits may be submitted following normal City procedures.

## **Contents**

1. Guidelines for Tracts Inside the Existing Core City
2. Guidelines for ETJ Tracts Adjacent or Near Existing Core City
3. Guidelines for ETJ Tracts Remote from the Existing Core City

## **Development Proposal Submittal Guidelines**

### **Notes:**

- i. Not all items will be applicable for all projects.*
- ii. Not all items need to be submitted with initial submittal.*
- iii. Progressively detailed submittals may be necessary as evaluation progresses.*
- iv. Determination of the applicability and timing of submission of each item should be made in consultation with City staff.*

### **Items that may be needed for a full evaluation:**

1. Current landowner's and proposed developer's name and contact information
  - a. If property under contract, feasibility period end date and proposed closing date
2. Concept plan showing the following proposed elements, as applicable:
  - a. Land uses
  - b. Major thoroughfares and collectors
  - c. Major water and wastewater facilities and mains
  - d. Parks and/or trail facilities
  - e. Public facilities
3. Table of residential lot sizes, distribution, projected values, and projected absorption rates
4. Projection of commercial acreage, value, sales tax generation, and development schedule
5. Roadway cross sections if different from City standards
6. Term sheet proposal to include:
  - a. Proposed developer obligations including magnitude of cost and timing
  - b. Proposed City obligations including magnitude of cost and timing
  - c. Proposed special districts or public financing mechanisms
  - d. Proposed special architectural standards or deed restrictions
7. Traffic Impact Analysis
8. Utility Capacity Study
9. Drainage Study
10. Coordination with Brazoria County, Alvin ISD, drainage district, and/or emergency services district
11. Market feasibility study
12. Update of the City's retail trade impact study

### **Fees**

In addition to a non-refundable application fee of \$500 plus \$10.00/acre, which must accompany an application, applicants will be expected to pay all costs associated with the City's consideration and processing of an application as well as the costs of the creation of any special district and/or negotiations for the approval of other special incentives, including any and all engineering, consulting, and attorney fees. The City may require the applicant to place an amount sufficient to cover costs in escrow with the City to cover the added costs. The City reserves the right to increase the non-refundable application fee from time to time as may be deemed appropriate.

### **Defined Terms**

MUD	Municipal Utility District
PID	Public Improvement District
PUD	Planned Unit Development
TIRZ	Tax Increment Reinvestment Zone

## **1. Tracts Inside Existing Core City**

Annexation: NA

MUD: Creation of a new MUD or annexation into an existing in-city MUD may be considered as a financing and reimbursement mechanism for eligible development costs. The City will be the owner and operator of all water and wastewater facilities. Detention facilities will be owned and operated by the MUD. The City does not intend to rebate any City taxes to the MUD.

PID: Depending on the scale and type of public improvements that need to be financed, creation of a PID for smaller projects where creation of or annexation into a MUD is not practical may be considered. The use of PIDs generally should be focused on small-scale projects and limited to reimbursement of water, wastewater, drainage, and non-residential street costs. However, nothing herein precludes the City from allowing any of the improvements cited in Chapter 372 of the Texas Local Government Code as being eligible for a given PID, at the City's sole discretion. It is not anticipated that the City will authorize the issuance of PID bonds.

TIRZ: The use of a TIRZ should be limited to unique situations where a development will contain public infrastructure or public building of a significant community-wide benefit. The term and level of City participation are negotiable.

Utilities: The developer will be responsible for funding a utility capacity study and constructing water and wastewater facilities adequate to serve the tract including offsite extensions. At the City's discretion, the City may require oversizing of facilities in compliance with the City's master water and wastewater plans. In such cases, the developer will construct the oversized facilities with the City's portion funded by one or more of the following methods:

1. Reimbursement to developer from the impact fee fund (or other available City funds) at the time of completion of the improvements.
2. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.
3. Reimbursement to developer over a period of time funded by pro rata assessments levied on other properties benefiting from the oversized facilities with assessments collected and paid to developer at the time of development of those properties.

Roadways: The developer will be responsible for constructing facilities adequate to serve the tract including offsite extensions as determined by a traffic impact analysis (TIA). Where the Thoroughfare Plan requires a roadway wider than that indicated by the TIA, at a minimum, the developer will preserve and dedicate the planned right-of-way width. At the City's discretion, the City may choose to participate in expanding the roadway facility to its ultimate configuration. In such cases, the developer will construct the expanded facilities with the City's portion funded by one or more of the following methods:

1. Reimbursement to developer from lawfully available funds at the time of completion of the improvements.

2. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.
3. Reimbursement to developer over a period of time funded by pro rata assessments levied on other properties benefiting from the expanded facilities. Such assessments would be collected and paid to developer at the time of development of those properties.

Parks: Where the City's Parks Plan indicates the need for a neighborhood park, linear park, or city park (community or regional park) on or near the tract being developed, provision for the park needs to be made when subdividing the property. Each development must comply with the Park Dedication requirements of the subdivision code and, if applicable, the PUD park requirements.

1. Neighborhood Parks and Linear Parks: The location and size should be mutually agreeable between the developer and City for logical placement within the plan of development for the property and maintained by a homeowner association.
2. City Parks: The developer should be compensated for land area required for a city park in excess of the land area required under the Subdivision Ordinance. Compensation may be made by one of the following methods:
  - a. Reimbursement to developer from lawfully available funds at the time of platting.
  - b. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.

Fire/EMS: NA

Police Stations: NA

## **2. Tracts Adjacent to or Near Existing Core City**

- Annexation:** Landowners requesting service from City water and/or sewer systems are required to request annexation into the city limits. If the City chooses not to annex the property, the guidelines in Section 3 will apply.
- MUD:** Creation of a new MUD or annexation into an existing in-city MUD may be considered as a financing and reimbursement mechanism for eligible development costs. The City will be the owner and operator of all water and wastewater facilities. Detention facilities will be owned and operated by the MUD. The City does not intend to rebate any City taxes to the MUD.
- PID:** Depending on the scale and type of public improvements that need to be financed, creation of a PID for smaller projects where creation of or annexation into a MUD is not practical may be considered. The use of PIDs generally should be focused on small-scale projects and limited to reimbursement of water, wastewater, drainage, and non-residential street costs. However, nothing herein precludes the City from allowing any of the improvements cited in Chapter 372 of the Texas Local Government Code as being eligible for a given PID, at the City's sole discretion. It is not anticipated that the City will authorize the issuance of PID bonds.
- TIRZ:** The use of a TIRZ should be limited to unique situations where a development will contain public infrastructure or public building of a significant community-wide benefit. The term and level of City participation are negotiable.
- Utilities:** The developer will be responsible for funding a utility capacity study and constructing water and wastewater facilities adequate to serve the tract including offsite extensions. At the City's discretion, the City may require oversizing of facilities in compliance with the City's master water and wastewater plans. In such cases, the developer will construct the oversized facilities with the City's portion funded by one or more of the following methods:
1. Reimbursement to developer from the impact fee fund (or other available City funds) at the time of completion of the improvements.
  2. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.
  3. Reimbursement to developer over a period of time funded by pro rata assessments levied on other properties benefiting from the oversized facilities with assessments collected and paid to developer at the time of development of those properties.
- Roadways:** The developer will be responsible for constructing facilities adequate to serve the tract including offsite extensions as determined by a traffic impact analysis (TIA). Where the Thoroughfare Plan requires a roadway wider than that indicated by the TIA, at a minimum, the developer will preserve and dedicate the planned right-of-way width. At the City's discretion, the City may choose to participate in expanding the roadway facility to its ultimate configuration. In such cases, the developer will construct the expanded facilities with the City's portion funded by one or more of the following methods:
1. Reimbursement to developer from lawfully available funds at the time of completion of the improvements.

2. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.
3. Reimbursement to developer over a period of time funded by pro rata assessments levied on other properties benefiting from the expanded facilities. Such assessments would be collected and paid to developer at the time of development of those properties.

**Parks:** Where the City's Parks Plan indicates the need for a neighborhood park, linear park, or city park (community or regional park) on or near the tract being developed, provision for the park needs to be made when subdividing the property. Each development must comply with the Park Dedication requirements of the subdivision code and, if applicable, the PUD park requirements.

1. **Neighborhood Parks and Linear Parks:** The location and size should be mutually agreeable between the developer and City for logical placement within the plan of development for the property and maintained by a homeowner association.
2. **City Parks:** The developer should be compensated for land area required for a city park in excess of the land area required under the Subdivision Ordinance. Compensation may be made by one of the following methods:
  - a. Reimbursement to developer from lawfully available funds at the time of platting.
  - b. Reimbursement to developer over an agreed upon time using a Chapter 380 agreement with funds derived from the new property and/or sales tax generated from the property.

**Fire/EMS:** Where the City's Fire/EMS Service Plan indicates the need for a fire/EMS station on or near the tract being developed, provision for the fire station site needs to be made when subdividing the property.

1. Land dedication and/or compensation will be determined on a case by case basis depending on the relative impact the size of the dedication has on the overall tract.

**Police Stations:**

Where the City's Police Service Plan indicates the need for a police substation on or near the tract being developed, provision for the substation site needs to be made when subdividing the property.

1. Land dedication and/or compensation will be determined on a case by case basis depending on the relative impact the size of the dedication has on the overall tract.

### **3. Tracts Remote from the Existing Core City**

**Annexation:** Annexation into the city limits may or may not be practical or feasible. The determination will be made on a case-by-case basis considering such factors as size of the tract, proximity, proposed land uses, and service demand impacts.

**MUD:** Creation of a new MUD or annexation into an existing ETJ MUD may be considered. Approval of a strategic partnership agreement (SPA) will be a prerequisite to City consent to creation of the MUD. The SPA will contain such provisions as an annexation conversion date, development parameters, and the types and levels, if any, of City services that will be provided and the method of funding those services. The inclusion of road, park, and public safety powers into the MUD will be considered. Customer water and sewer rates should be maintained at a comparable level to the City's rates. The City will retain the right to consent to the approval of utility operator and solid waste provider contracts entered into by the MUD.

**PID** NA

**TIRZ** A TIRZ may be combined with other financing mechanisms to finance unique or large-scale improvements that provide utility, roadway, or park capacity that serves a regional purpose. Consideration of a TIRZ will be most favorable when multiple governmental entities participate in the financing plan.

**Utilities:** The developer will be responsible for funding a utility capacity study and constructing water and wastewater facilities adequate to serve the tract. Water distribution and wastewater collection mains should be built in compliance with the City's master water and wastewater plans. Water plants and wastewater treatment plants should be sited in compliance with the City's master water and wastewater plans with adequate area reserved for expansion per the master plans.

1. If the property is annexed into the City, a TIRZ may be utilized to finance the costs of utilities that serve a regional purpose.
2. If the property is not annexed into the City, the costs of the utilities will need to be absorbed into the developer's overall project costs.

**Roadways:** The developer will be responsible for constructing facilities adequate to serve the tract as determined by a traffic impact analysis (TIA). Where the Thoroughfare Plan requires a roadway wider than that indicated by the TIA, at a minimum, the developer will preserve and dedicate the planned right-of-way width. Roadway facilities should be built in compliance with the City's thoroughfare plan, but extensions and lane capacity may be phased with agreed upon development milestones.

1. If the property is annexed into the City, a TIRZ may be utilized to finance the costs of roadways that serve a regional purpose.
2. If the property is not annexed into the City, the costs of roadways will need to be absorbed into the developer's overall project costs.

**Parks:** Where the City's Parks Plan indicates the need for a neighborhood park, linear park, or city park (community or regional park) on or near the tract being developed, provision for the park needs to be made when subdividing the property. Each development must comply with the Park Dedication requirements of the subdivision code and, if applicable, the PUD park requirements.

1. **Neighborhood Parks and Linear Parks:** The location and size should be mutually agreeable between the developer and City for logical placement within the plan of development for the property and maintained by a homeowner association.
2. **City Parks:** The location and size should be mutually agreeable between the developer and City for logical placement within the plan of development for the property and maintained by the MUD, unless City ownership and maintenance is agreed upon.

**Fire/EMS:** Where the City's Fire/EMS Service Plan indicates the need for a fire/EMS station on or near the tract being developed, provision for the fire station site needs to be made when subdividing the property.

1. Land dedication and/or compensation will be determined on a case by case basis depending on the relative impact the size of the dedication has on the overall tract.
2. Depending on the scope of the development, commensurate facility and/or equipment improvements may be required.
3. Site, facility, and equipment planning needs to be coordinated with Emergency Services District (ESD) #3.

**Police Stations:**

Where the City's Police Service Plan indicates the need for a police substation on or near the tract being developed, provision for the substation site needs to be made when subdividing the property.

1. Land dedication and/or compensation will be determined on a case by case basis depending on the relative impact the size of the dedication has on the overall tract.

**City of Alvin Development Proposal Guidelines**  
**EVAULATION DCOUMENT**  
**FOR INTERNAL USE**

**Development Proposal Evaluation Questions**

*{Note: Use these questions to evaluate proposals. The answers to these questions translate into the analysis and narrative contained in the Analysis and Transmittal Memo.}*

1. Which aspects of the comprehensive plan are advanced by the proposal?
  - a. To what extent does the proposal include comprehensive plan goals?
  - b. Are there additional aspects covered by the comprehensive plan that need to be included in the proposal?
  - c. Does the proposal exceed comprehensive plan goals in any way?
  - d. Does the proposal include alternate aspects not contemplated that fulfill comprehensive plan goals in an alternate way?
2. Does the proposal conform to the thoroughfare plan? (Note to reviewer: If proposal is not in conformance, then identify why not to evaluate alternatives and/or variance conditions)
3. Does the proposal conform to the water and wastewater master plan?
4. Does the proposal conform to the parks master plan?
5. Does the proposal include the desired mix of residential and commercial uses?
  - a. Is the proposal supported by the market study?
6. Does the proposal include the desired mix of residential lot sizes?
7. What is the range and/or average value of home values proposed?
8. What is the developer's projected build-out horizon?
  - a. What is the projected residential and commercial absorption schedule?
9. What is the magnitude of expected sales tax to be generated from within the project?
10. How will public safety services be provided to the development?
  - a. If the services will be provided by the city, what are capital and operational costs that need to be considered?
  - b. How will the additional capital and operating costs be funded?
  - c. Is an ESD in place to provide services and/or funding?
  - d. Are joint agreements between the City, ESD, and/or MUD possible?
11. What is the magnitude of the developer's projected investment?
12. What is the magnitude of the proposed public financing?
13. What is the magnitude of the proposed city funding obligations?



# AGENDA COMMENTARY

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**Meeting Date:** 9/5/2019

**Department:** Finance

**Contact:** Michael Higgins, CFO

**Agenda Item:** Consider Resolution 19-R-36, delegating authority to sign Form 2848, IRS Power of Attorney, to the City's Chief Financial Officer; authorizing the firm of Mitchell, Williams, Selig, Gates & Woodyard, PLCC (Mitchell Williams), the power to negotiate and engage in settlement discussions with the Internal Revenue Service on behalf of the City of Alvin.

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

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**Summary:** The Department of Revenue and the Internal Revenue Service (IRS) has various reporting requirements for employer health insurance coverage information for large employers (i.e. 50 or more full time employees). Employer Form 1094-C reports to the IRS summary information for each large employer, and Form 1095-C reports information about each employee to the IRS and to the employee. These Forms are part of the Affordable Care Act (ACA) reporting requirements which provides that individuals must have minimal essential coverage, qualify for an exemption from the minimal essential coverage, or make an individual share responsibility payment when they file their federal income tax return.

These forms are typically due February 29 of the following year to the IRS. However, in recent years, the deadline has been extended. For example, for the 2015 tax year, the deadline for filing the 1095-C to the IRS was extended to June 30, 2016 (if filing electronically). For 2017, the deadline was extended to April 2, 2018 (if filing electronically). The Department of the Treasury (Treasury) and the IRS determined that some employers needed additional time to adapt and implement systems and procedures to gather, analyze, and report this information. Many employers do not have the requisite staff to complete the filing requirements and as a result, are forced to hire external agencies to assist in the filing, such as payroll tax organizations.

Texas Municipal League Multistate – Intergovernmental Employee Benefits Pool (TML-IEBP) provides health coverage for the City of Alvin employees. TML-IEBP partnered with Greatland Inc. to perform the filings for the City of Alvin for 2015, 2016, 2017 and 2018. TML-IEBP may have failed to timely file the IRS Forms 1094-C and 1095-C (the "Tax Forms") for the 2016 and 2017 federal tax years on behalf of the City of Alvin, related to the City of Alvin's provision of minimum essential health coverage to its employees. The Board of Trustees of TML-IEBP have agreed to resolve any proposed imposition of penalties and fines by the IRS for the late filing of the Tax Forms on behalf of all affected members of the Pool, including the City of Alvin.

Section 6721 of the IRS Code imposes a penalty for failing to timely file or for filing an incorrect or incomplete information return. The City received a notice from the IRS on August 12, 2019, that there was a penalty of \$62,920.00 (242 forms x \$260.00) for the late filing of form 1095-C for 2017, which was filed November 14, 2018. The City either can agree and pay the pay the penalty or submit a reasoning to the IRS for why the penalty should not be charged. The City has not received any notices or penalties for the 2016 tax year which was filed the same time as the 2017 forms. However, there is a reasonable probability that the City of Alvin will not receive a notice from the IRS for the late filing of the 2016 forms for a couple of reasons. First, to date, the City has not

received a notice from the IRS. Additionally, the IRS may allow for lenience for tax year 2016 for late filings, as a result of complications in employers still learning how to file the forms.

The City was contacted by TML-IEBP around August 12, 2019, regarding assistance to the City of Alvin. The TML Board of Trustees has since engaged the law firm of Mitchell, Williams, Selig, Gates & Woodyard, PLLC (“Mitchell Williams”) to represent the Pool and its members before the IRS. In order for Mitchell Williams and its attorneys to communicate with the IRS regarding any Penalties proposed to be assessed against the City of Alvin, an authorized official of the City of Alvin must execute a Form 2848 IRS Power of Attorney authorizing the attorneys to represent the City of Alvin before the IRS. There will not be any cost to the City of Alvin when engaging Mitchell Williams and its attorneys.

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**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:** 8/29/2019 SLH

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**Supporting documents attached:**

- Resolution 19-R-36
- Exhibit A – Power of Attorney
- TML notice dated July 30, 2019
- TML notice dated August 8, 2019
- IRS Noticed dated August 12, 2019
- TML Memorandum
- Form 1095-C for 2018 (sample)
- Notice provided to employees in 2016

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**Recommendation:** Move to approve Resolution 19-R-36, delegating authority to sign Form 2848, IRS Power of Attorney, to the City’s Chief Financial Officer; authorizing the firm of Mitchell, Williams, Selig, Gates & Woodyard, PLCC (Mitchell Williams), the power to negotiate and engage in settlement discussions with the Internal Revenue Service on behalf of the City of Alvin

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

## **RESOLUTION 19-R-36**

**A RESOLUTION BY THE CITY OF ALVIN, TEXAS, DELEGATING AUTHORITY TO SIGN FORM 2848, IRS POWER OF ATTORNEY, TO THE CITY'S CHIEF FINANCIAL OFFICER; AND AUTHORIZING THE FIRM OF MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLCC (MITCHELL WILLIAMS), THE POWER TO NEGOTIATE AND ENGAGE IN SETTLEMENT DISCUSSIONS WITH THE INTERNAL REVENUE SERVICE ON BEHALF OF THE CITY OF ALVIN.**

**WHEREAS**, the TML MultiState Intergovernmental Employee Benefits Pool (the "Pool") may have failed to timely file IRS Forms 1094-C and 1095-C (the "Tax Forms") for the 2016 and 2017 federal tax years on behalf of the City of Alvin, related to the City of Alvin's provision of minimum essential health coverage to its employees; and

**WHEREAS**, the Pool has agreed to resolve any proposed imposition of penalties and fines by the IRS for the late filing of the Tax Forms (the "Penalties") on behalf of all affected members of the Pool, including the City of Alvin; and

**WHEREAS**, the Pool has engaged the law firm of Mitchell, Williams, Selig, Gates & Woodyard, PLLC ("Mitchell Williams") to represent the Pool and its members before the IRS with respect to any such Penalties, and the Pool shall be solely responsible for all communication with and payment of Mitchell Williams with regard to such matter; and

**WHEREAS**, in order for Mitchell Williams and its attorneys to communicate with the IRS regarding any Penalties proposed to be assessed against the City of Alvin, an authorized official of the City of Alvin must execute a Form 2848 IRS Power of Attorney authorizing the attorneys to represent the City of Alvin before the IRS; and

**WHEREAS**, the City of Alvin finds it necessary and proper to authorize the City of Alvin to execute a Form 2848 on behalf of the City of Alvin for such purpose;

**NOW THEREFORE, IT IS HEREBY RESOLVED:**

1. The City of Alvin is hereby authorized to engage Mitchell Williams to represent the City of Alvin before the IRS with respect to resolving the proposed IRS Penalties that have been or may in the future be asserted against the City of Alvin.
2. The City of Alvin's Chief Financial Officer is hereby authorized to execute a Form 2848 IRS Power of Attorney, in the form attached hereto as Exhibit A, for the purpose of granting the attorneys listed therein the authority to represent the City of Alvin before the IRS solely with respect any such proposed Penalties for tax years 2016 and 2017.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of September 2019.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

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Paul A. Horn, Mayor

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Dixie Roberts, City Secretary



**b Specific acts not authorized.** My representative(s) is (are) not authorized to endorse or otherwise negotiate any check (including directing or accepting payment by any means, electronic or otherwise, into an account owned or controlled by the representative(s) or any firm or other entity with whom the representative(s) is (are) associated) issued by the government in respect of a federal tax liability.  
 List any other specific deletions to the acts otherwise authorized in this power of attorney (see instructions for line 5b): \_\_\_\_\_

**6 Retention/revocation of prior power(s) of attorney.** The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you **do not** want to revoke a prior power of attorney, check here  **YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.**

**7 Signature of taxpayer.** If a tax matter concerns a year in which a joint return was filed, each spouse must file a separate power of attorney even if they are appointing the same representative(s). If signed by a corporate officer, partner, guardian, tax matters partner, partnership representative, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the legal authority to execute this form on behalf of the taxpayer.  
**▶ IF NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THIS POWER OF ATTORNEY TO THE TAXPAYER.**

\_\_\_\_\_  
 Signature Date Title (if applicable)  
 \_\_\_\_\_  
 Print Name Print name of taxpayer from line 1 if other than individual

**Part II Declaration of Representative**

Under penalties of perjury, by my signature below I declare that:

- I am not currently suspended or disbarred from practice, or ineligible for practice, before the Internal Revenue Service;
- I am subject to regulations contained in Circular 230 (31 CFR, Subtitle A, Part 10), as amended, governing practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:
  - a** Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
  - b** Certified Public Accountant—a holder of an active license to practice as a certified public accountant in the jurisdiction shown below.
  - c** Enrolled Agent—enrolled as an agent by the Internal Revenue Service per the requirements of Circular 230.
  - d** Officer—a bona fide officer of the taxpayer organization.
  - e** Full-Time Employee—a full-time employee of the taxpayer.
  - f** Family Member—a member of the taxpayer’s immediate family (spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
  - g** Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Internal Revenue Service is limited by section 10.3(d) of Circular 230).
  - h** Unenrolled Return Preparer—Authority to practice before the IRS is limited. An unenrolled return preparer may represent, provided the preparer (1) prepared and signed the return or claim for refund (or prepared if there is no signature space on the form); (2) was eligible to sign the return or claim for refund; (3) has a valid PTIN; and (4) possesses the required Annual Filing Season Program Record of Completion(s). **See Special Rules and Requirements for Unenrolled Return Preparers in the instructions for additional information.**
  - k** Qualifying Student—receives permission to represent taxpayers before the IRS by virtue of his/her status as a law, business, or accounting student working in an LITC or STCP. See instructions for Part II for additional information and requirements.
  - r** Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

**▶ IF THIS DECLARATION OF REPRESENTATIVE IS NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THE POWER OF ATTORNEY. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN PART I, LINE 2.**

**Note:** For designations d-f, enter your title, position, or relationship to the taxpayer in the "Licensing jurisdiction" column.

Designation— Insert above letter (a-r).	Licensing jurisdiction (State) or other licensing authority (if applicable).	Bar, license, certification, registration, or enrollment number (if applicable).	Signature	Date
a	AR	2010247		
a	AR	2007271		



July 30, 2019

Via email address

ATTN: Janie Padilla  
City of Alvin  
jpadilla@cityhall.cityofalvin.com

**RE: IRS Notice of Penalty Proposed for 2017 Information Returns – ACTION  
REQUIRED**

Dear Ms. Padilla:

We have been made aware that several of our members have received notices from the IRS concerning proposed penalties for not filing Form 1095C correctly by the 2017 federal tax due date. You may recall receiving a letter that was sent to your organization in August 2018 informing you of the action TML Health was taking to properly file the required Form 1095C. The Form 1095C was filed electronically for your entity on November 14, 2018.

The IRS notice requires a response from you within 45 days of the date of the notice to avoid additional interest charges. TML Health recognizes the urgency of this matter and is working with our members to review and evaluate the situation. We plan to get back with you within the next three weeks to discuss the proper steps to take to address the late filing penalties at issue.

Please send my office a copy of the IRS notice you have received via email to [General.Counsel@tmlhb.org](mailto:General.Counsel@tmlhb.org). Feel free to contact my office at (512) 719-8349 concerning questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "LS", with a long horizontal line extending to the right.

Leah Simon  
General Counsel

Follow us:  
@TMLHealth



1821 Rutherford Lane, Suite 300  
Austin, Texas 78754-5151  
(512) 719-6500 • (800) 282-5385

For more information, visit us at  
[tmlhealthbenefits.org](http://tmlhealthbenefits.org)



August 8, 2019

Via email address

City of Alvin  
ATTN:Janie Padilla  
jpadilla@cityhall.cityofalvin.com

**RE: Update on Status of TML Health's Review of IRS Notices of Penalty Proposed for 2017 Information Returns**

Dear Ms. Padilla:

This letter is to provide an update of the status of our efforts to evaluate the IRS Notices of Penalty Proposed for 2017. We know that you are concerned and would like to hear from us. We are still evaluating the matter. A special Board of Trustees meeting has been called on Saturday, August 10, 2019, when the tax attorney consultant will be making recommendations to the Board. I anticipate that there will be updates sent out to everyone shortly after. You can rest assure that TML Health will do its best to bring about the best outcome on behalf of our members.

Please continue to send my office a copy via email to [General.Counsel@tmlhb.org](mailto:General.Counsel@tmlhb.org) of the IRS notice if you receive one in the coming days. Feel free to contact my office at (512)719-8349 concerning questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "LS", followed by a horizontal line extending to the right.

Leah Simon  
General Counsel

Follow us:  
[@TMLHealth](#)



1821 Rutherford Lane, Suite 300  
Austin, Texas 78754-5151  
(512) 719-6500 • (800) 282-5385

For more information, visit us at  
[tmlhealthbenefits.org](http://tmlhealthbenefits.org)

PHILADELPHIA, PA 19255-0633

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CITY OF ALVIN  
216 W SEALY ST  
ALVIN, TX 77511-2341

IF YOU WRITE OR  
CALL US, REFER TO  
THIS INFORMATION:

NOTICE NUMBER: 972CG  
BOD CODE: TE2  
DATE OF THIS NOTICE:  
08/12/2019  
TAXPAYER IDENTIFICATION  
NUMBER: 74-6000033  
FORM: CVL PEN  
TAX PERIOD: 201712  
PENALTY REFERENCE  
CODE: 500

FOR INFORMATION,  
PLEASE CALL:  
1-866-455-7438

000860

A PENALTY IS PROPOSED FOR YOUR 2017 INFORMATION RETURNS  
ACTION REQUIRED

OUR RECORDS SHOW THAT YOU DIDN'T FILE CERTAIN INFORMATION RETURNS CORRECTLY AS REQUIRED BY INTERNAL REVENUE CODE (IRC) SECTION 6721 FOR THE TAX PERIOD SHOWN ABOVE. THE LAW ALLOWS FOR A PENALTY FOR FILING INFORMATION RETURNS INCORRECTLY. A PENALTY IS PROPOSED IN THE AMOUNT OF \$62,920.00. INTEREST ON THIS PENALTY WILL NOT BE CHARGED UNTIL AFTER YOU RECEIVE A BILL.

PLEASE READ THIS NOTICE CAREFULLY. IT EXPLAINS THE PROPOSED PENALTY AND WHAT YOU SHOULD DO IF YOU AGREE OR DISAGREE WITH THE PROPOSAL. THIS PENALTY WILL BE CHARGED IF YOU DON'T RESPOND TO THIS NOTICE. THE PROPOSED PENALTY IS EXPLAINED UNDER THE "EXPLANATION OF PENALTY" SECTION.

HOW YOU SHOULD RESPOND TO THIS NOTICE

PLEASE REVIEW YOUR RECORDS RELATED TO FILING THE RETURNS LISTED ON PAGE 2.

-- IF YOU AGREE TO THE FULL AMOUNT OF THE PROPOSED PENALTY, DO ALL OF THE FOLLOWING:

1. CHECK BOX (A) ON THE RESPONSE PAGE OF THIS NOTICE.
2. SIGN AND DATE THE CONSENT OF PENALTY ASSESSMENT.
3. ENCLOSE YOUR PAYMENT IN FULL. MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO THE UNITED STATES TREASURY.
4. ENCLOSE THE APPROPRIATE MAILING STUB TO INDICATE WHETHER A PAYMENT IS INCLUDED.
5. ENSURE THE ADDRESS ON THE STUB APPEARS IN THE ENVELOPE WINDOW.

-- IF YOU DON'T AGREE WITH ALL OR PART OF OUR FINDINGS OR BELIEVE YOU HAVE A REASON ALL OR PART OF THIS PENALTY SHOULD NOT BE CHARGED, DO ALL OF THE FOLLOWING:

1. CHECK BOX (B) OR (C) ON THE RESPONSE PAGE OF THIS NOTICE.
2. ENCLOSE A SIGNED STATEMENT EXPLAINING WHY YOU DISAGREE.
3. INCLUDE ANY SUPPORTING DOCUMENTS YOU WISH TO HAVE CONSIDERED.
4. IF YOU AGREE TO PART OF THE PENALTY, ENCLOSE YOUR PAYMENT. MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO THE UNITED STATES TREASURY.
5. ENCLOSE THE APPROPRIATE MAILING STUB TO INDICATE WHETHER A PAYMENT IS INCLUDED.
6. RETURN THE RESPONSE PAGE OF THIS NOTICE WITH YOUR STATEMENT AND DOCUMENTS IN THE ENCLOSED ENVELOPE (ENSURE THE ADDRESS APPEARS IN THE ENVELOPE WINDOW). PLEASE INCLUDE A TELEPHONE NUMBER, INCLUDING THE AREA CODE, AND THE BEST TIME TO CALL.

IT'S IMPORTANT THAT YOUR COMPLETED RESPONSE BE RECEIVED WITHIN 45 DAYS FROM THE DATE OF THIS NOTICE. YOU HAVE 60 DAYS TO RESPOND IF YOU LIVE OUTSIDE THE UNITED STATES. IF YOU DO NOT RESPOND WITHIN THIS PERIOD, YOU WILL RECEIVE A BILL CALLED "NOTICE OF PENALTY CHARGE" FOR THE AMOUNT OF THE PROPOSED PENALTY. INTEREST WILL BE CHARGED FROM THE DATE OF THE "NOTICE OF PENALTY CHARGE" TO THE DATE PAYMENT IS RECEIVED IN FULL.

IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, YOU MAY WRITE TO THE RETURN ADDRESS ON THIS NOTICE. IF YOU PREFER, YOU MAY CALL THE TELEPHONE NUMBER SHOWN ABOVE FOR GENERAL INFORMATION ABOUT THIS NOTICE. HOWEVER, THE OFFICE AT THE ADDRESS SHOWN ON THIS NOTICE IS MOST FAMILIAR WITH YOUR CASE.

A PENALTY IS PROPOSED BASED ON HOW YOU FILED THE FOLLOWING INFORMATION RETURNS. THE EXPLANATION OF THE PENALTY FOLLOWS THE LIST OF INFORMATION RETURNS. THE PAGE TITLED "SUMMARY OF PROPOSED PENALTY" SHOWS YOU THE TOTAL NUMBER OF RETURNS FOR WHICH A PENALTY IS PROPOSED.

CITY OF ALVIN  
216 WEST SEALY STREET  
ALVIN, TX 77511

FORM 1095-C RECEIVED: 11/14/2018  
ORIGINAL RETURNS: 242  
AMENDED RETURNS: 0  
HOW RECEIVED: ELECTRONIC  
TRANSMITTER CONTROL CODE: BB00P

PROPOSED PENALTY TYPE: LATE FILING

#### EXPLANATION OF PENALTY

500

A PENALTY IS PROPOSED FOR EACH INFORMATION RETURN DOCUMENT THAT YOU DIDN'T FILE CORRECTLY BY THE DUE DATE (INCLUDING EXTENSIONS). THIS PENALTY MAY ALSO APPLY IF TIMELY FILED RETURNS WERE SENT BACK TO YOU FOR CHANGES AND YOU DIDN'T RETURN THEM TO US IN THE TIME REQUESTED.

THE PENALTY IS:

- \$50 FOR EACH RETURN FILED WITHIN 30 DAYS AFTER THE DUE DATE, UP TO A MAXIMUM OF \$536,000 PER YEAR (\$187,500 FOR SMALL BUSINESSES AS DEFINED BELOW),
- \$100 FOR EACH RETURN FILED MORE THAN 30 DAYS AFTER THE DUE DATE BUT BY AUGUST 1, UP TO A MAXIMUM OF \$1,609,000 PER YEAR (\$536,000 FOR SMALL BUSINESSES), OR
- \$260 FOR EACH RETURN FILED AFTER AUGUST 1.

THE MAXIMUM PENALTY CHARGE IS \$260 PER INFORMATION RETURN, UP TO \$3,218,500 PER YEAR (\$1,072,500 FOR SMALL BUSINESSES). THERE IS NO MAXIMUM LIMITATION FOR INTENTIONAL DISREGARD.

#### LOWER PENALTY FOR SMALL BUSINESSES

THE LOWER MAXIMUM PENALTIES STATED ABOVE FOR SMALL BUSINESSES APPLY IF A BUSINESS HAD AVERAGE GROSS RECEIPTS OF \$5 MILLION OR LESS FOR THE THREE MOST RECENT TAX YEARS (OR TIME IN BUSINESS, IF SHORTER) ENDING BEFORE THE CALENDAR YEAR THE INFORMATION RETURNS WERE DUE. FOR EXAMPLE, IF YOU WERE CHARGED A PENALTY FOR 2017 INFORMATION RETURNS DUE IN 2018, THE THREE MOST RECENT TAX YEARS ARE 2015, 2016, AND 2017. IF THE PENALTY ON THE NOTICE YOU RECEIVED IS MORE THAN THE MAXIMUM PENALTY FOR SMALL BUSINESSES, THE PENALTY MAY BE REDUCED BASED ON EVIDENCE YOU GIVE THAT YOU'RE A SMALL BUSINESS.

SUMMARY OF PROPOSED PENALTY

THE SUMMARY ON THE FOLLOWING PAGE SHOWS THE INFORMATION RETURNS FOR WHICH A PENALTY IS PROPOSED AND THE AMOUNT OF PENALTY FOR EACH PENALTY TYPE. THE AMOUNT OF THE PROPOSED PENALTY MAY BE LOWER THAN THE ACTUAL PENALTY AMOUNT DUE TO THE DOLLAR LIMITATIONS IMPOSED UNDER IRC 6721.

PROPOSED PENALTY AMOUNT: \$62,920



PROPOSED PENALTY AMOUNT -- THIS AMOUNT MAY BE LESS THAN THE TOTAL OF THE INDIVIDUAL PENALTY AMOUNTS SHOWN ABOVE IF MORE THAN ONE TYPE OF PENALTY APPLIES TO ANY OF THE RETURNS FILED. FOR EXAMPLE, IF YOU FILED A RETURN LATE AND WITH A MISSING TAXPAYER IDENTIFICATION NUMBER, THE RETURNS WILL BE SHOWN IN BOTH PENALTY COLUMNS. HOWEVER, THE MAXIMUM CHARGE IS \$260 FOR THAT RETURN.

000860 LATE FILING PENALTY -- THIS PENALTY APPLIES TO RETURNS FILED AFTER THE DUE DATE. IT MAY ALSO APPLY TO RETURNS FILED BY THE DUE DATE BUT NOT FILED CORRECTLY.

ELECTRONIC MEDIA PENALTY -- THIS PENALTY APPLIES TO THE NUMBER OF PAPER RETURNS OVER 250 THAT YOU FILED.  
NOTE: FINANCIAL INSTITUTIONS MUST FILE ALL FORM 1042-S DOCUMENTS ELECTRONICALLY.

INCORRECT TIN -- THIS PENALTY APPLIES TO RETURNS FILED WITH A MISSING OR INCORRECT TAXPAYER IDENTIFICATION NUMBER.

PENALTY TYPE	TIN	ELECTRONIC	LATE			TOTALS
			TIER 1	TIER 2	TIER 3	
1095-C	0	0	0	0	242	242
NO. OF PENALTIES	0	0	0	0	242	
X	\$260	\$260	\$50	\$100	\$260	TOTALS
GROSS PEN. MINUS DUPS	\$0	\$0	\$0	\$0	\$62,920	\$62,920
	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$62,920	\$62,920
TIER CAP LIMITATION	\$0	\$0	\$0	\$0	\$62,920	\$62,920
TOTAL PROPOSED PENALTY-----						\$62,920



000860

RESPONSE TO PROPOSED PENALTY FOR YOUR TAX YEAR 2017 INFORMATION RETURNS

PLEASE CHECK THE BOX THAT APPLIES TO YOU AND RETURN THIS PAGE IN THE ENCLOSED ENVELOPE. PLEASE REMEMBER TO INCLUDE THE APPROPRIATE MAILING STUB AND INSERT IT IN THE ENCLOSED ENVELOPE SO THE ADDRESS APPEARS IN THE ENVELOPE WINDOW.

PLEASE CHECK ONLY ONE BOX:



000860

( ) (A) TOTAL AGREEMENT WITH THE PROPOSED PENALTY - I CONSENT TO THE IMMEDIATE ASSESSMENT AND COLLECTION OF THE PENALTY AMOUNT SHOWN IN THIS NOTICE, PLUS ANY APPLICABLE INTEREST. I HAVE ( ) HAVE NOT ( ) ENCLOSED A PAYMENT.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

( ) (B) PARTIAL AGREEMENT WITH THE PROPOSED PENALTY - I AGREE WITH PART OF THE PROPOSED PENALTY SHOWN IN THIS NOTICE. I HAVE ATTACHED A SIGNED STATEMENT AND SUPPORTING DOCUMENTS EXPLAINING WHICH ITEMS I DISAGREE WITH AND WHY I DISAGREE, OR WHY I FEEL YOU SHOULDN'T CHARGE PART OF THE PROPOSED PENALTY. I HAVE ( ) HAVE NOT ( ) ENCLOSED A PAYMENT.

( ) (C) TOTAL DISAGREEMENT WITH THE PROPOSED PENALTY - I DISAGREE WITH THE ENTIRE PROPOSED PENALTY SHOWN IN THIS NOTICE. I'VE ATTACHED A SIGNED STATEMENT AND SUPPORTING DOCUMENTS EXPLAINING WHY THE PROPOSED PENALTY IS INCORRECT, OR AN ACCEPTABLE REASON WHY YOU SHOULDN'T CHARGE THIS PROPOSED PENALTY.

TELEPHONE NUMBER: ( ) \_\_\_\_\_ BEST HOURS TO CALL: \_\_\_\_\_  
(INCLUDE AREA CODE)

PLEASE DO NOT DETACH



## M E M O R A N D U M

DATE: September 5, 2019

TO: Mayor and City Council

RE: Purpose of Resolution Authorizing Representation in IRS Matter and Delegating Authority to Execute Form 2848 IRS Power of Attorney

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This memo explains the purpose of the resolution authorizing representation in the IRS matter concerning notice of proposed penalties for the late filing of IRS Forms 1094-C and 1095-C for the 2016 and 2017 federal tax years.

### Background:

In summary, TML IEBP was required to file forms 1094-B, 1095-B, with the IRS regarding health insurance coverage provided to Pool group employees. Forms 1094-B and 1095-B (the “B” Forms”) are required to be filed by health insurance issuers and carriers to report information to the IRS and employees regarding provision of minimum essential coverage under the Affordable Care Act. A separate 1095-B is filed for each employee with the IRS, and a copy is provided to the employee. Form 1094-B reports summary information for the issuer/carrier and transmits the Forms 1095-B to the IRS. TML IEBP has timely filed “B” Forms as an “issuer” of coverage each year since 2015, and provided copies to all Pool groups’ employees.

Forms 1094-C and 1095-C (the “C” Forms”) are required to be filed by employers with more than 50 full-time employees (Applicable Large Employers, or ALEs) to report information to the IRS about the ALE’s offer of health coverage to its employees. As with the “B” Forms, a separate 1095-C is filed for each Pool ALE Member employee with the IRS, and a copy is provided to the employee. Form 1094-C reports summary information for the ALE and transmits the Forms 1095-C to the IRS. The “C” Forms are used to determine if the employer is required to make the employer shared responsibility payment under § 4980H of A.C.A., and the eligibility of employees for a “premium tax credit.” TML IEBP filed “C” Forms for 2015 for all Pool ALE Members it identified as an ALE based on the number of employees enrolled in the benefit plan. However, due to an administrative error, TML IEBP did not file the forms for tax years 2016 or 2017 until the fall of 2018.

### IRS Notices

Several Pool ALE groups received IRS notices in August 2018 stating that the group was required to file the “C” Forms for 2016. TML filed “C” Forms for each Pool ALE group for 2016 on October 29, 2018, and for tax year 2017 on November 13, 2018. ALE groups have started receiving letters proposing to issue a penalty for failure to timely file the “C” Forms for tax year 2017. No letters proposing penalties have been received to date for tax year 2016.

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For more information, visit us at  
[tmlhealthbenefits.org](http://tmlhealthbenefits.org)

### Action Needed from the Governing Body:

TML MultiState IEBP (the “Pool”) may have failed to timely file IRS Forms 1094-C and 1095-C (the “Tax Forms”) for the 2016 and 2017 federal tax years on behalf of the City of Alvin, related to the City of Alvin’s provision of minimum essential health coverage to its employees. The Board of Trustees of the Pool have agreed to resolve any proposed imposition of penalties and fines by the IRS for the late filing of the Tax Forms (the “Penalties”) on behalf of all affected members of the Pool, including the City of Alvin. The Pool has engaged the law firm of Mitchell, Williams, Selig, Gates & Woodyard, PLLC (“Mitchell Williams”) to represent the Pool and its members before the IRS with respect to any such Penalties, and the Pool shall be solely responsible for all communication with and payment of Mitchell Williams with regard to such matter. In order for Mitchell Williams and its attorneys to communicate with the IRS regarding any Penalties proposed to be assessed against the City of Alvin, an authorized official of the City of Alvin must execute a Form 2848 IRS Power of Attorney authorizing the attorneys to represent the City of Alvin before the IRS.

The proposed resolution authorizes [your organization] to:

1. engage Mitchell Williams to represent the City of Alvin before the IRS with respect to resolving the proposed IRS Penalties that have been or may in the future be asserted against the City of Alvin; and
2. delegate an authorized official (Chief Financial Officer) to execute a Form 2848 IRS Power of Attorney for the purpose of granting the attorneys listed therein the authority to represent the City of Alvin before the IRS solely with respect any such proposed Penalties for tax years 2016 and 2017.

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# Employer-Provided Health Insurance Offer and Coverage

▶ Do not attach to your tax return. Keep for your records.  
▶ Go to [www.irs.gov/Form1095C](http://www.irs.gov/Form1095C) for instructions and the latest information.

VOID

CORRECTED

OMB No. 1545-2251

# 2018

Part I Employee						Applicable Large Employer Member (Employer)					
1 Name of employee (first name, middle initial, last name)			2 Social security number (SSN)			7 Name of employer			8 Employer identification number (EIN)		
3 Street address (including apartment no.)						9 Street address (including room or suite no.)			10 Contact telephone number		
4 City or town		5 State or province		6 Country and ZIP or foreign postal code		11 City or town		12 State or province		13 Country and ZIP or foreign postal code	

Part II Employee Offer of Coverage	Plan Start Month (enter 2-digit number):												
	All 12 Months	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
14 Offer of Coverage (enter required code)													
15 Employee Required Contribution (see instructions)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
16 Section 4980H Safe Harbor and Other Relief (enter code, if applicable)													

Part III Covered Individuals																
If Employer provided self-insured coverage, check the box and enter the information for each individual enrolled in coverage, including the employee. <input type="checkbox"/>																
	(a) Name of covered individual(s) First name, middle initial, last name	(b) SSN or other TIN	(c) DOB (if SSN or other TIN is not available)	(d) Covered all 12 months	(e) Months of Coverage											
					Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
17				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Instructions for Recipient

You are receiving this Form 1095-C because your employer is an Applicable Large Employer subject to the employer shared responsibility provision in the Affordable Care Act. This Form 1095-C includes information about the health insurance coverage offered to you by your employer. Form 1095-C, Part II, includes information about the coverage, if any, your employer offered to you and your spouse and dependent(s). If you purchased health insurance coverage through the Health Insurance Marketplace and wish to claim the premium tax credit, this information will assist you in determining whether you are eligible. For more information about the premium tax credit, see Pub. 974, Premium Tax Credit (PTC). You may receive multiple Forms 1095-C if you had multiple employers during the year that were Applicable Large Employers (for example, you left employment with one Applicable Large Employer and began a new position of employment with another Applicable Large Employer). In that situation, each Form 1095-C would have information only about the health insurance coverage offered to you by the employer identified on the form. If your employer is not an Applicable Large Employer, it is not required to furnish you a Form 1095-C providing information about the health coverage it offered.

In addition, if you, or any other individual who is offered health coverage because of their relationship to you (referred to here as family members), enrolled in your employer's health plan and that plan is a type of plan referred to as a "self-insured" plan, Form 1095-C, Part III, provides information to assist you in completing your income tax return by showing you or those family members had qualifying health coverage (referred to as "minimum essential coverage") for some or all months during the year.

If your employer provided you or a family member health coverage through an insured health plan or in another manner, the issuer of the insurance or the sponsor of the plan providing the coverage will furnish you information about the coverage separately on Form 1095-B, Health Coverage. Similarly, if you or a family member obtained minimum essential coverage from another source, such as a government-sponsored program, an individual market plan, or miscellaneous coverage designated by the Department of Health and Human Services, the provider of that coverage will furnish you information about that coverage on Form 1095-B. If you or a family member enrolled in a qualified health plan through a Health Insurance Marketplace, the Health Insurance Marketplace will report information about that coverage on Form 1095-A, Health Insurance Marketplace Statement.



*Employers are required to furnish Form 1095-C only to the employee. As the recipient of this Form 1095-C, you should provide a copy to any family members covered under a self-insured employer-sponsored plan listed in Part III if they request it for their records.*

**Additional information.** For additional information about the tax provisions of the Affordable Care Act (ACA), including the individual shared responsibility provisions, the premium tax credit, and the employer shared responsibility provisions, see [www.irs.gov/Affordable-Care-Act/Individuals-and-Families](http://www.irs.gov/Affordable-Care-Act/Individuals-and-Families) or call the IRS Healthcare Hotline for ACA questions (1-800-919-0452).

### Part I. Employee

**Lines 1–6.** Part I, lines 1–6, reports information about you, the employee.

**Line 2.** This is your social security number (SSN). For your protection, this form may show only the last four digits of your SSN. However, the employer is required to report your complete SSN to the IRS.



*If you do not provide your SSN and the SSNs of all covered individuals to the plan administrator, the IRS may not be able to match the Form 1095-C to determine that you and the other covered individuals have complied with the individual shared responsibility provision. For covered individuals other than the employee listed in Part I, a Taxpayer Identification Number (TIN) may be provided instead of an SSN. See Part III.*

### Part I. Applicable Large Employer Member (Employer)

**Lines 7–13.** Part I, lines 7–13, reports information about your employer.

**Line 10.** This line includes a telephone number for the person whom you may call if you have questions about the information reported on the form or to report errors in the information on the form and ask that they be corrected.

### Part II. Employer Offer of Coverage, Lines 14–16

**Line 14.** The codes listed below for line 14 describe the coverage that your employer offered to you and your spouse and dependent(s), if any. (If you received an offer of coverage through a multiemployer plan due to your membership in a union, that offer may not be shown on line 14.) The information on line 14 relates to eligibility for coverage subsidized by the premium tax credit for you, your spouse, and dependent(s). For more information about the premium tax credit, see Pub. 974.

**1A.** Minimum essential coverage providing minimum value offered to you with an employee required contribution for self-only coverage equal to or less than 9.5% (as adjusted) of the 48 contiguous states single federal poverty line and minimum essential coverage offered to your spouse and dependent(s) (referred to here as a Qualifying Offer). This code may be used to report for specific months for which a Qualifying Offer was made, even if you did not receive a Qualifying Offer for all 12 months of the calendar year. For information on the adjustment of the 9.5%, see IRS.gov.

**1B.** Minimum essential coverage providing minimum value offered to you and minimum essential coverage NOT offered to your spouse or dependent(s).

**1C.** Minimum essential coverage providing minimum value offered to you and minimum essential coverage offered to your dependent(s) but NOT your spouse.

**1D.** Minimum essential coverage providing minimum value offered to you and minimum essential coverage offered to your spouse but NOT your dependent(s).

**1E.** Minimum essential coverage providing minimum value offered to you and minimum essential coverage offered to your dependent(s) and spouse.

**1F.** Minimum essential coverage NOT providing minimum value offered to you, or you and your spouse or dependent(s), or you, your spouse, and dependent(s).

**1G.** You were NOT a full-time employee for any month of the calendar year but were enrolled in self-insured employer-sponsored coverage for one or more months of the calendar year. This code will be entered in the *All 12 Months* box or in the separate monthly boxes for all 12 calendar months on line 14.

**1H.** No offer of coverage (you were NOT offered any health coverage or you were offered coverage that is NOT minimum essential coverage).

**1I.** Reserved.

**1J.** Minimum essential coverage providing minimum value offered to you; minimum essential coverage conditionally offered to your spouse; and minimum essential coverage NOT offered to your dependent(s).

**1K.** Minimum essential coverage providing minimum value offered to you; minimum essential coverage conditionally offered to your spouse; and minimum essential coverage offered to your dependent(s).

**Line 15.** This line reports the employee required contribution, which is the monthly cost to you for the lowest-cost self-only minimum essential coverage providing minimum value that your employer offered you. The amount reported on line 15 may not be the amount you paid for coverage if, for example, you chose to enroll in more expensive coverage such as family coverage. Line 15 will show an amount only if code 1B, 1C, 1D, 1E, 1J, or 1K is entered on line 14. If you were offered coverage but there is no cost to you for the coverage, this line will report a "0.00" for the amount. For more information, including on how your eligibility for other healthcare arrangements might affect the amount reported on line 15, see IRS.gov.

**Line 16.** This code provides the IRS information to administer the employer shared responsibility provisions. Other than a code 2C which reflects your enrollment in your employer's coverage, none of this information affects your eligibility for the premium tax credit. For more information about the employer shared responsibility provisions, see IRS.gov.

### Part III. Covered Individuals, Lines 17–22

Part III reports the name, SSN (or TIN for covered individuals other than the employee listed in Part I), and coverage information about each individual (including any full-time employee and non-full-time employee, and any employee's family members) covered under the employer's health plan, if the plan is "self-insured." A date of birth will be entered in column (c) only if an SSN (or TIN for covered individuals other than the employee listed in Part I) is not entered in column (b). Column (d) will be checked if the individual was covered for at least one day in every month of the year. For individuals who were covered for some but not all months, information will be entered in column (e) indicating the months for which these individuals were covered. If there are more than 6 covered individuals, see the additional covered individuals on Part III, Continuation Sheet(s).

Name of employee (first name, middle initial, last name)

Social security number (SSN)

**Part III Covered Individuals – Continuation Sheet**

	(a) Name of covered individual(s) First name, middle initial, last name	(b) SSN or other TIN	(c) DOB (if SSN or other TIN is not available)	(d) Covered all 12 months	(e) Months of Coverage												
					Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
23				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**CITY OF ALVIN**

**Finance Department**

216 West Sealy Street • Alvin, Texas 77511 • (281) 388-4212 • FAX (281) 331-7215

January 28, 2016

To comply with the Affordable Health Care Act (or Obamacare), the City is required to send an annual statement to all employees eligible to receive the City's insurance coverage. The IRS created Form 1095-C to serve as that statement. The 1095-C form identifies:

- The employee and the employer and
- Which months during the year the employee was eligible for coverage

Distributing the 1095-C forms became mandatory starting with the 2015 tax year (with an original distribution deadline of February 1, 2016). On December 28, 2015, the IRS extended the deadline for employers to distribute the 1095-C form to employees from February 1, 2016 to March 31, 2016. As a result of this extension, you may not receive the 1095-C form by the time you file your 2015 tax return.

TML-IEBP (the City's insurance carrier) has partnered with Greatland Inc. to file a copy of the employee's 1095-C form with the IRS; as well as mail a copy of the 1095-C form to city employees eligible to receive the city's insurance coverage. City employees should expect to receive the 1095-C forms before the March 31, 2016 extended deadline.

Should you have any questions, please contact me (281)388-4216 or [jroland@cityofalvin.com](mailto:jroland@cityofalvin.com)

Sincerely

Junru Roland  
Assistant City Manager



# AGENDA COMMENTARY

**Meeting Date:** 9/5/2019

**Department:** City Secretary

**Contact:** Dixie Roberts, City Secretary

**Agenda Item:** Consider an appointment to the Senior Citizens Board to fill the unexpired term of Judy Zavalla.

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

**Summary:** With the resignation of Ms. Zavala, there are now six (6) members on this Board. The Alvin Code of Ordinances state that the board is to be comprised of seven (7) members. This specific positions term will end in December 2019. Darrell Brady submitted his application to serve as a replacement member to this position. Mr. Brady has previously served on this board and would like to be considered for reappointment. He is retired and at the Senior Center on a daily basis. If City Council so chooses to re-appoint Mr. Brady, his term would expire in December 2019, at which time he could be considered for the reappointment to serve a full two (2) year term on the Board.

**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:** 8/29/2019 SLH \_\_\_\_\_

**Supporting documents attached:**

**Recommendation:** Move to appoint \_\_\_\_\_ to the Senior Citizens Board to fill the unexpired term of Judy Zavalla through December 2019.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager