

City of Alvin, Texas

Paul Horn, Mayor

Martin Vela, Mayor Pro-tem, District A
Keko Moore, At Large Pos. 1
Joel Castro, At Large Pos. 2
Chris Vaughn, District B



Richard Garivey, District C
Glenn Starkey, District D
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA

APRIL 7, 2022

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 droberts@cityofalvin.com 48 hours prior to the meeting time. City Hall is wheelchair accessible, and a sloped curb entry is available at the south entrance to City Hall.

NOTICE is hereby given of a Regular Meeting and Executive Session of the City Council of the City of Alvin, Texas, to be held on **THURSDAY, APRIL 7, 2022**, at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

- A. Promotion of Officer Matthew Brewer to the Civil Service rank of Corporal/Specialist – Robert E. Lee, Police Chief.
- B. Telecommunications Week Proclamation – April 10-16, 2022.

4. PUBLIC COMMENT

5. CONSENT AGENDA

- A. Consider approval of the March 1, 2022, City Council workshop meeting minutes.
- B. Consider approval of the March 15, 2022, City Council workshop meeting minutes.
- C. Consider approval of the March 17, 2022, City Council workshop meeting minutes.
- D. Consider approval of the March 17, 2022, City Council meeting minutes.
- E. Consider Ordinance 22-W, amending Chapter 1, General Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 1-6 Failure to Pay, Section 1-9 Severability of parts of Code, Section 1-10 Violation of promise to appear, and Section 1-11 Culpable mental state, deleting Section 1-7 City Workhouse Established and Section 1-8 Keeper; providing for severability; and setting forth other provisions related thereto.
- F. Consider Ordinance 22-X, amending Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Kennels/Catteries, and Article III. Prohibition of Sales or the Giving Away of Dogs and Cats

on Public Property; providing for penalties; providing for severability; and setting forth other provisions related thereto.

- G. Consider Ordinance 22-Y, amending Chapter 14, Nursing, Care and Rest Homes, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 14-5 Inspections by the Chief of Police and Fire Marshal; providing for severability; and setting forth other provisions related thereto.
- H. Consider Ordinance 22-Z, amending Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Junked Vehicles, and Article III. Police Reserve Force; providing for penalties; providing for severability; and setting forth other provisions related thereto.
- I. Consider Ordinance 22-AA, deleting Chapter 18, Private Watchmen, of the Code of Ordinances of the City of Alvin, Texas; and setting forth other provisions related thereto.
- J. Consider Ordinance 22-BB, amending Chapter 20, Streets and Sidewalks, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General; providing for severability; and setting forth other provisions related thereto.
- K. Consider Ordinance 22-CC, amending Chapter 24, Traffic, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article III. Commercial Motor Vehicles; providing for severability; and setting forth other provisions related thereto.
- L. Consider Ordinance 22-DD, amending Chapter 26, Wreckers, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Permits, Article III. Police Authorized Tows, and Article IV. Non-Consent Heavy Duty Tows; providing for penalty; providing for severability; and setting forth other provisions related thereto.
- M. Consider Ordinance 22-EE, amending Chapter 30 ½, Regulation of Sex Offender Residency, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 30½-2 – Definitions, Section 30½-3 – Sex Offender Residency Prohibition, and Section 30½ - 6 – Penalty; providing for penalties; providing for severability; and setting forth other provisions related thereto.
- N. Consider a final plat of Watermark Section 1 (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 40.430 acres of land situated in the B.B.B.&C.R.R. Co. Survey, A-159, and the I.&G.N.R.R. Co. Survey, A-400, City of Alvin, Brazoria County, Texas.

6. OTHER BUSINESS

- A. Presentation and discussion on the West Alvin Thoroughfare Plan formulation, Stormwater Drainage Review, and Water and Wastewater Systems Study conducted by Edminster, Hinshaw, Russ & Associates, Inc. (EHRA).
- B. Presentation by Belt Harris Pechacek, LLLP, of the City's Annual Comprehensive Financial Report (ACFR) as of September 30, 2021; and acknowledge receipt of the 2021 ACFR.
- C. Consider a Development/Chapter 380 Agreement with Binnacle Development LLC to permit the construction of public improvements necessary for the development and operation of the Bayou Point Improvement District No. 1.; and authorize the Mayor to sign said Agreement upon legal review.

- D. Consider a Development Agreement with Brazoria County, Texas, and SMJJ, LLC for Shadow Pond Phase 2, and authorize the City Manager to sign the Agreement upon legal review.
- E. Consider a change order to Harper Brothers Construction, LLC., for the 54-Inch Eastside Interceptor Project to line the wet well of the Wastewater Treatment Plant lift station in an amount not to exceed \$499,530; and authorize the City Manager to sign the change order.
- F. Consider Ordinance 22-FF, amending Chapter 23, Taxicabs, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. In General, Article II. License to Operate Taxicab Permit, Article III. Driver's Permit; providing for penalties; providing for severability; and setting forth other provision related thereto.
- G. Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

7. REPORTS FROM CITY MANAGER

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

8. ITEMS OF COMMUNITY INTEREST

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

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

9. EXECUTIVE SESSION

City Council will meet in Executive Session pursuant to:

- A. **Section 551.074** of the Local Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- 1. City Manager Evaluation.

10. RECONVENE TO OPEN SESSION

11. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code, on **MONDAY APRIL 4, 2022, at 5:00 P.M.**



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).**



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Chief Robert E Lee

Agenda Item: Promotion of Officer Matthew Brewer to the civil service rank of Corporal/Specialist.

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

Summary: In October 2021, Civil Service under Chapter 143 of the Texas Local Government Code became effective and as a result a promotional examination was scheduled and held in January 2022. In order to be eligible for testing officers had to have served, at minimum, 2-years (exclusive of probationary time) at the rank immediately below that being tested for. Those who successfully passed the examination were ranked according to score and were placed on a promotional eligibility list which is valid for 1-year from the date on which the examination was held.

As a result of the retirement of Detective Ruben Solano, after 38 years of service to the City of Alvin, Officer Matthew Brewer is being promoted to fill the Corporal/Specialist position vacated by Detective Solano. Although presentation at council is not required under Civil Service this achievement is a milestone in Officer Brewer's career and as such a public recognition in front of the City Council and our citizens is an exceptional way to honor this dedicated officer.

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:** 3/29/2022 SLH _____

Supporting documents attached:

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Recommendation: Congratulate the promotion of Officer Matthew Brewer.

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

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

Office of the Mayor, City of Alvin, Texas



Proclamation

WHEREAS, when an emergency occurs, the prompt response of first responders is critical to the protection of life and preservation of property. The City of Alvin Public Safety Telecommunicators are the single vital link between first responders and persons seeking immediate relief during an emergency; and

WHEREAS, the work of these “unseen first responders” is invaluable in emergency situations; they have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job this past year.

NOW, THEREFORE, I, Paul A. Horn, as Mayor of the City of Alvin Texas and on behalf of the City Council, do hereby proclaim the week of April 10-16, 2022, as

Public Safety Telecommunications Week

in the City of Alvin, Texas, and encourage each and every citizen to express their appreciation to the Public Safety Telecommunicators for their diligence and professionalism in keeping our city and citizens safe.

WITNESS my hand and seal
this 7th day of April 2022.

Paul A. Horn, Mayor

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP
TUESDAY MARCH 1, 2022
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: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Director of Development Services; Michelle Segovia, City Engineer; Dan Kelinske, Parks Director; Rex Klesel, Fire Chief; Ron Schmitz, EMS/Emergency Management Director; Brandon Moody, Director of Public Services; and Robert E. Lee, Police Chief.

WORKSHOP BUSINESS.

Visioning and goalsetting for the Capital Improvement Program and FY23 Budget and possibly include discussion on future development, city operations, and policymaking. No formal action will be taken by City Council during this workshop.

Mr. Roland and Ms. Segovia reviewed the Utility Master Plan update prepared by Freese and Nichols. This update addressed key questions of the city's Wastewater Treatment Plant capacity, updated the SSES Implementation Plan and continued lift station consolidation. The twenty-year Wastewater Capital Improvement Project list includes fifteen (15) total projects; fourteen (14) collection and one (1) treatment project. The first five-years include wastewater treatment plant expansion, updated SSES implementation plan, consolidation of two (2) additional lift stations, expansion of three (3) lift stations to address existing capacity deficiencies and serve projected new development.

Phase	Project type	Cost in 2022 \$
5-Year by (2027)	Collection	\$10,780,000
	Treatment	\$70,200,000
	SSES Implementation	\$13,804,500
	Subtotal	\$94,784,500
10-year by (2032)	Collection	13,301,350
	Sub-total	13,301,350
20-Year by (2042)	Collection	\$3,380,900
	Sub-total	\$3,380,900

Mr. Roland, Mr. Higgins and department heads presented the following CIP projects for consideration for Fiscal Year 2023.

Drainage

	FY23
Moller Road Storm Sewer and Pavement Ph 1	\$572,103
Moller Road Storm Sewer and Pavement Ph 2	\$1,112,500
Moller Road Storm Sewer and Pavement Ph 3	\$1,270,000
Total	\$2,954,603

Parks

	FY23
Pearson Park Capital Improvements	\$467,500
Briscoe Park Capital Improvements	\$258,500
Nat. Oak Park & Bob Owen Pool	\$357,500
Newman Park Capital Improvements	\$93,500
Prairie Dog Park Capital Improvements	\$197,200
Talmadge Park Capital Improvements	\$63,800
Hugh Adams Park Capital Improvements	\$35,000
Lions Park Capital Improvements	\$495,000
1409 Talmadge Street Lot Capital Improvements	\$5,500
Sealy Park Capital Improvements	\$66,000
Bob Owen Municipal Pool Improvements	\$62,000
Recreation Building Renovation	\$1,200,000
Total	\$3,301,500

Street Projects

	FY23
Sidewalk Program	\$1,500,000
Concrete Pavement Program	\$1,600,000
Asphalt Pavement Program	\$1,000,000
Alvin Parkway Signage Project	\$50,000
Total	\$4,150,000

Water Projects

	FY23
Water Line Improvement Phase 4	\$2,316,373
Water Line Improvement Phase 5	\$407,400
Fire Hydrant Connection Retrofitting	\$280,086
Total	\$3,003,859

Wastewater Projects

	FY23
Lift Station #23 Expansion	\$6,275,895
Lift Station #33 Expansion	\$1,397,800
Lift Station#3 Rehab and Expansion to .85 MGD	\$56,980
WWTP Expansion to 7.5 MGD (\$70.2m total)	\$7,000,000
Total	\$14,730,675

Discussion was had on the improvement of pay for Police Officers in an effort to improve recruitment and retention.

The City was allotted \$6.2 M through the American Rescue Plan Act of 2021 (COVID-19 Stimulus Package). All funds received must be used in compliance with the requirements set forth in the program. Staff recommended the following projects for consideration:

Recommended ARPA Projects:

EXPENDITURES BY PROJECT	Rating	2022	2023	2024	2025	2026	Total
Consultant services		\$223,800					\$223,800
City wide landline phone upgrades	2		\$200,000				\$200,000
Self-Contained Breathing Apparatus Repl (SCBA)	1		\$540,000				\$540,000
Technology Infrastructure upgrade	2		\$92,960	\$42,960	\$42,960	\$42,960	\$221,840
Video Broadcast upgrade	2		\$50,075				\$50,075
Upgrade City Website and Rebranding	2		\$50,000				\$50,000
Replacement of outdated CAD/RMS system	1		\$503,334				\$503,334
Emergency Management – Communications	2		\$170,000				\$170,000
Emergency Management – Utility Terrain Vehicle	3		\$20,000				\$20,000
EMS – Ambulance	1		\$210,000				\$210,000
EMS – Cardiac Monitor/Defibrillator	1		\$105,000				\$105,000
Water Plant #4 Ground Storage Tank Replacement	1		\$3,800,000				\$3,800,000
Agenda Management Software	2		\$50,000				\$50,000
TOTAL		\$223,800	\$5,791,369	\$42,960	\$42,960	\$42,960	\$6,144,049

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:15 p.m.

PASSED and **APPROVED** the 7th day of April 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP
TUESDAY MARCH 15, 2022
6:30 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: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Dixie Roberts, Assistant City Manager/ City Secretary; Michael Higgins, Chief Financial Officer; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services; and Captain Todd Arendell.

WORKSHOP BUSINESS

Discuss the City of Alvin Extraterritorial Jurisdiction (ETJ).

Ron Cox with Ron Cox Consulting was present to discuss potential issues and future considerations for the City of Alvin's Extraterritorial Jurisdiction areas. Mayor explained that there needs to be a clear understanding of Alvin's ETJ areas and what should be the next steps moving forward. The potential issues related to the area referred to as the Strip, and the several incorporated cities located within the ETJ were discussed. The legal concerns will be forwarded to the City Attorney for review and advisement. Council conferred about the benefits and drawbacks of releasing or retaining portions of land and the possible value of swapping territories. Current considerations to be pursued are that staff will work with other cities to eliminate conflicts, possible releasing portions of the ETJ to the county and the possibility of trading others. Future considerations will focus on legalities and realities of modifying the Strip.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:03 p.m.

PASSED and **APPROVED** the 7th day of April 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP
TUESDAY MARCH 17, 2022
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: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Joel Castro, Keko Moore, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Director of Development Services; Rex Klesel, Fire Chief; Ron Schmitz, EMS/Emergency Management Director; Brandon Moody, Director of Public Services; Michelle Segovia, City Engineer; and Robert E. Lee, Police Chief.

WORKSHOP BUSINESS

Discuss proposed projects to be funded by the American Rescue Plan Act (ARPA).

Mr. Roland stated that the City of Alvin was allocated approximately \$6.6M in federal funding through the American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package. The City went through the procurement process to select a consultant to help manage these funds, as a result Anser Advisory was selected. He stated that the projects to be funded through this program must adhere to very stringent statutory categories. These categories include: support public health expenditures, address negative economic impacts, replace lost public sector revenue, premium pay for eligible workers, and infrastructure improvements. All funds received must be allocated to a project by December 31, 2024 and must be spent by the end of calendar year 2026. Any unused funds must be returned to the federal government. Staff came up with the following projects that fit within the well-defined scope. Anser Advisory has reviewed and rated each project on a risk rating of one to five, one being minimal risk and five being a very high risk. The following projects were reviewed:

- Ground Storage Tank - \$3,800,000 (R-1)
- 2 Portable Cell Towers - \$170,000 (R-2)
- Utility Terrain Vehicle - \$20,000 (R-2)
- EMS Ambulance - \$210,000 (R-1)
- 3 Cardiac Monitor/Defibrillators - \$105,000 (R-1)
- Computer Aided Dispatch/Records Mgmt. System - \$514,094 (R-1)
- Landline Phone Upgrades - \$200,000 (R-2)
- Self-Contained Breathing Apparatus Replacements - \$540,000 (R-1)
- Internet Connection Upgrade to Facilities - \$221,840 (R-2)
- Video Broadcast & Communication Upgrade - \$50,075 (R-2)
- Website Upgrade - \$50,000 (R-2)
- Agenda Management Software - \$50,000 (R-2)
- Dispatch Consolettes - \$276,775 (R-2)
- Facility Upgrades to Dispatch and EOC - \$190,000 (R-2)
- Consultant Fees - \$223,800

Mr. Roland stated that all projects presented remained below the risk assessment of two or below.

Discussion was had on the projects presented.

ADJOURNMENT

Mayor Horn adjourned the meeting at 6:28 p.m.

PASSED and APPROVED the 7th day of April 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MARCH 17, 2022
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 Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Loretta Smith with First Christian Church gave the invocation. Council member Castro led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PUBLIC COMMENT

Eugene Bauer presented comments regarding his gratitude for a streetlight being repaired. He also commented on training for police officers.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the March 3, 2022, City Council meeting minutes.

Proclaim the month of April 2022 as Fair Housing Month in the City of Alvin.

This proclamation is listed under the Consent Agenda as it will not be formally presented at the City Council meeting. This is required by Brazoria County for Community Development Block Grants. Staff recommends proclaiming the Month of April 2022 as Fair Housing month in the City of Alvin as requested.

Consider Ordinance 22-L, amending Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article II. License to Manufacture, Sell or Distribute Beer; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 3, Alcoholic Beverages, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- *Section 3-13 – Payment Due Date – amending the payment of permit fees from once a year to every two years, mimicking state law.*
- *Grammar changes throughout*
- *Amending terminology as needed to reflect current practice*

Consider Ordinance 22-M, amending Chapter 5, Buildings, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 5-2 Appointment, Control and Tenure, Section 5-3 General Duties, Section 5-9 Off-Street Parking and Loading Requirements, Section 5-12 Drainage Provisions, and Section 5-24 International Plumbing Code, 2018 Edition, Adopted; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 5, Buildings, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout.
- Amending terminology to reflect current practice.
- Section 5-9 (1)(a) – amending the requirement for off-street parking and loading requirements – parking space schedule - apartment houses or complexes – from 1 ½ to 2 spaces for each apartment to match the Apartment Ordinance.
- Section 5-12 – changing that plans/information is to be reviewed by the city engineer instead of building inspector to reflect current practice.

This item was requested to be removed from the consent agenda by Council member Vela. Council member Adame moved to modify consent agenda. Seconded by Council member Castro. Motion carried with all members present voting Aye.

Consider Ordinance 22-N, amending Chapter 10, Food and Food Establishments, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. General, Article II. Permit, Article III. Inspections, Article IV. Construction, Remodeling and Conversion, and Article V. Mobile Food Units; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 10, Food and Food Establishments, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice
- Adding Section 10-33, Regulations pertaining to food establishments, which was removed in earlier ordinance revisions
- Sec 10-36 (4)(c) Adding mobile food units must be “readily moveable”
- Sec 10-36 (4)(d) Adding requirement to securely mount LPG Cylinders

This item was requested to be removed from the consent agenda by Council member Vela. Council member Adame moved to modify consent agenda. Seconded by Council member Castro. Motion carried with all members present voting Aye.

Consider Ordinance 22-O, amending Chapter 13, Itinerant Merchants and Vendors, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Section 13-1 Definitions; and Section 13-21 Exemptions to Distance and/or Restriction Locations set forth in Sections 13-16 and 13-18 and/or Exceptions to Registration Certificates; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 13, Itinerant Merchants and Vendors, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Sec 13-1 – Adding “Building Official” to list of definitions

Consider Ordinance 22-P, amending Chapter 16, Oil and Gas Well and Pipelines, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Permits, and Article IV. Pipelines; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 16, Oil and Gas Wells and Pipelines, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice

Consider Ordinance 22-Q, amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. In General, Article II. Subdivision and Development Process, Article III. Minimum Requirements for Subdivision and/or Resubdivision, Article V. Modular Home Subdivisions, Article VI. Planned Unit Developments, and Article VII. Park Land Dedication and Development Fee; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 21, Subdivision and Property Development, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 21-2(5) - Updating Boulevards from 24 to 25-feet minimum
- Sec 21-20 - Removing Preliminary Plat Process
- Sec 21-23(b) - Defining “tie-on range” as the range within 1,000 feet from water and sewer services
- Secs 21-18 and 21-27(b) - Requiring Builder or Developer to attend PDM prior to submittal of plats and plans.
- Sec 21-74 - Change Traffic Impact Study required for site that requires 100+ instead of 200 parking spaces
- Sec 21-74 - For Modular Home subdivisions: changing street ROW from 50 to 60, streets from 27 to 28 (curb to curb), 15 instead of 10-foot utility easement, and from 38- to 45-foot-wide radial lots
- Sec 21-130(c)(2) (2018) For Park Land Dedication: removing ETJ property from consideration for park land dedication (21-126(a) (2018); removing the option for City to receive cash in lieu of park land dedication in ETJ.

Consider Ordinance 22-R, amending Chapter 23 ½, Townhouses, Condominiums and Patio Homes, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. Townhouse Projects, Article II. Condominium Projects, and, Article III. Patio Home Developments; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 23 ½, Townhomes, Condominiums and Patio Homes, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice

- Sec 23½, Sec 23 ½-3 - Townhomes: Adding reference that streets and alleys must comply with City's Design Criteria, and classifying "access streets" as minor or major collectors and arterial roadways on the City's Thoroughfare Plan
- Sec 23 ½-21 - Condominiums: Changing minimum building setback lines from 15 feet to 25 feet
- Sec 23 ½-36 - Patio Homes: changing interior streets minimum right-of-way from 50 to 60 feet, with 28 instead of 27-foot paving section, and classifying "access streets" as minor or major collectors and arterial roadways on the City's Thoroughfare Plan (Chapter 23½, Sec 23 ½-33) (1978); removing 10-foot setbacks and 50-foot right-of-way

Consider Ordinance 22-S, amending Chapter 24 ½, Manufactured Homes and Manufactured Home Parks, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Movement of Manufactured Homes in the City, Article III. Manufactured Homes located outside of Manufactured Home Parks, Article IV. Manufactured Home Parks, Article IV.I. Manufactured Home Sales Lots, and Article V. Recreational Vehicle Resorts and Parks; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 24 ½, Manufactured Homes and Manufactured Home Parks, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice
- Sec 24 ½ - 34 - Remove outdated wording

Consider Ordinance 22-T, amending Chapter 31, Apartment Developments, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Sec 31-1 Definitions, Section 31-3 Streets and Alleys, Section 31-4 Lots, Section 31-7 Additional Regulations; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 31, Apartment Developments, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice
- Sec 31-3 - Classifying "access streets" as minor or major collectors and arterial roadways on the City's Thoroughfare Plan

Consider Ordinance 22-U, amending Chapter 33, Amusement Redemption Machine Centers and Places, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 33.3 Application, Section 33-4 Fee, Section 33-12 Responsibility of Licensee, Permittee or Operator, and Section 33-14 Time Limitation for Compliance within Chapter; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 33, Amusement Redemption Machine Centers and Places, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Grammatical changes throughout
- Amending terminology as needed to reflect current practice

- *Sec 33-4 – defining a “year” as a fiscal year instead of calendar year, (Oct 1 – Sept 30)*
- *Sec 33-14 – remove outdated wording*

Council member Vela asked for Ordinance 22-M and Ordinance 22-N be removed from the consent agenda.

Council member Adame moved to approve the consent agenda as presented, excluding Ordinance 22-M and 22-N, said items will be considered under Other Business. Seconded by Council member Castro; motion to approve carried with all members present voting Aye.

OTHER BUSINESS

Consider Ordinance 22-M, amending Chapter 5, Buildings, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 5-2 Appointment, Control and Tenure, Section 5-3 General Duties, Section 5-9 Off-Street Parking and Loading Requirements, Section 5-12 Drainage Provisions, and Section 5-24 International Plumbing Code, 2018 Edition, Adopted; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This item was requested to be removed from the consent agenda by Council member Vela. His questions were related to the proposed adoption of International Plumbing Code 2018 Edition because a 2021 Edition has been released. Ms. Segovia explained that cities typically adopt the new editions a few years after the release of an updated Code.

Council member Adame moved to approve Ordinance 22-M, amending Chapter 5, Buildings, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 5-2 Appointment, Control and Tenure; Section 5-3 General Duties; Section 5-9 Off-Street Parking and Loading Requirements; Section 5-12 Drainage Provisions; and Section 5-24 International Plumbing Code, 2018 Edition, Adopted; providing for penalties; providing for severability; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion to approve carried with all members present voting Aye.

Consider Ordinance 22-N, amending Chapter 10, Food and Food Establishments, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. General, Article II. Permit, Article III. Inspections, Article IV. Construction, Remodeling and Conversion, and Article V. Mobile Food Units; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This item was requested to be removed from the consent agenda by Council member Vela. His questions were related to his concerns of the grease trap size noted in this code. Ms. Segovia addressed the concerns.

Council member Vela moved to approve Ordinance 22-N, amending Chapter 10, Food and Food Establishments, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. General, Article II. Permit, Article III. Inspections, Article IV. Construction, Remodeling and Conversion, and Article V. Mobile Food Units; providing for penalties; providing for severability; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion to approve carried with all members present voting Aye.

Consider Ordinance 22-V, amending the City of Alvin 2021-22 Fiscal Year-End budget (FY22) by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the budget accounts related to the American Rescue Plan Act of 2021 (ARPA) funds set forth in the attached Exhibit A.

The ARPA is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law on March 11, 2021. Of the \$1.9 trillion the City of Alvin was allocated approximately \$6.6 million.

The ARPA funds can be used for the following statutory categories:

- *To respond to Public Health Emergency*
- *Address Negative Economic Impacts*
- *Replace Lost Public Sector Revenue*
- *Premium pay for Eligible Workers*
- *Water, Sewer and Broadband Infrastructure*

Proposed Expenditures	ARPA Allocation
Citywide landline phone upgrades	\$200,000
Self-Contained Breathing Apparatus	\$540,000
Technology Infrastructure Upgrades	\$221,840
Video Broadcast Upgrade	\$50,075
Upgrade to City Website & Rebranding	\$50,000
Replacement of Computer Aided Dispatch/Record Management System	\$514,094
Emergency Management Communication Upgrade	\$170,000
Emergency Management – Utility Terrain Vehicle	\$20,000
Ambulance	\$210,000
3 Cardiac Monitors/Defibrillators	\$105,000
Ground Storage Tank Replacement	\$3,800,000
Agenda Management Software Upgrade	\$50,000
Emergency Operation Center Upgrades	\$50,000
Dispatch Upgrades	\$140,000
Dispatch Console Replacement	\$276,775
Consultant Services	\$223,800
Total	\$6,621,584

Michael Higgins, the Chief Financial Officer, presented this item before Council with explanation.

Council member Castro moved to approve Ordinance 22-V, amending the City of Alvin 2021-22 Fiscal Year-End budget (FY22) by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the budget accounts related to the American Rescue Plan Act of 2021 (ARPA) funds set forth in the attached Exhibit A. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

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 he reviewed the preliminary list for the April 7, 2022, 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.

Council member Starkey extended congratulations to James Knape from Alvin on achieving Mutton Busting Champion at The Houston Rodeo.

ADJOURNMENT

Mayor Horn adjourned the meeting at 7:40 p.m.

PASSED and **APPROVED** the 7th day of April 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-W, amending Chapter 1, General Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 1-6 Failure to Pay, Section 1-9 Severability of parts of Code, Section 1-10 Violation of promise to appear, and Section 1-11 Culpable mental state, deleting Section 1-7 City Workhouse Established and Section 1-8 Keeper; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 1, General Provisions, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 1-6 – Updated to meet current practice of the community service program
- Sec 1-7 & 1-8 – Delete sections in reference to City Workhouse and Keeper
- Grammatical changes

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:** 3/29/2022 SLH _____

Supporting documents attached:

- Ordinance 22-W; redlined
- Ordinance 22-W; final

Recommendation: Move to approve Ordinance 22-W, amending Chapter 1, General Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 1-6 Failure to Pay, Section 1-9 Severability of parts of Code, Section 1-10 Violation of promise to appear, and Section 1-11 Culpable mental state, deleting Section 1-7 City Workhouse Established and Section 1-8 Keeper; providing for severability; 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 NO. 22-W

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 1-6 FAILURE TO PAY, AND DELETING SECTION 1-7 CITY WORKHOUSE ESTABLISHED AND SECTION 1-8 KEEPER; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 1, General Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 1, GENERAL PROVISIONS

...

Sec. 1-6. - Failure to pay fine.

Any person who shall fail or refuse to pay any fine or costs imposed by the municipal court for any offense against the provisions of this Code or other ordinances of the ~~e~~City may be committed to the city jail or workhouse-assigned community service by the ~~j~~Judge or the ~~m~~Municipal ~~e~~Court. Persons assigned community service shall be and required to do and perform such work and labor as may be designated by the ~~chief of police or other person in charge of responsible for~~ the jail or workhouse community service program. Such person shall receive a credit on his fine and costs in the sum of one hundred dollars (\$100.00) for each day's work performed for the ~~e~~City under such commitment.

~~Sec. 1-7. - City workhouse—Established.~~

~~A workhouse in and for the city shall be and is hereby established for the purpose of the commitment and confinement of any person who may be committed thereto by the municipal court.~~

~~Sec. 1-8. - Same—Keeper.~~

~~(a) —The chief of police is hereby designated and appointed keeper or superintendent of the city workhouse.~~

~~(b) It shall be the duty of the keeper of the city workhouse to provide and care for all persons committed thereto, to see that all persons committed thereto are properly fed and housed, and to direct and oversee all work and labor performed, and to have full charge and control of and over all persons committed to the workhouse. He shall cause all persons so committed to do and perform reasonable work and labor for the term for which they are so committed and to make proper credits for such time and labor and report to the municipal court all matters properly pertaining thereto.~~

Sec. 1-~~79~~. - Severability of parts of Code.

It is hereby declared to be the intention of the eCity eCouncil that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the eCity eCouncil without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-~~810~~. - Violation of promise to appear.

Any person who willfully violates his written promise to appear in court for a violation of any provision of this Code or who knowingly fails to appear in accordance with the terms of a ~~duly-received~~duly received written notice to appear in court for a violation of any provision of this Code shall be guilty of a misdemeanor regardless of the disposition of the original ordinance violation charge. A violation of a written promise to appear in court or a failure to appear in accordance with the terms of a ~~duly-received~~duly received written notice to appear in court under this section shall be punishable by a fine prescribed by section 1-5.

Sec. 1-~~112~~. - Culpable mental state.

- (a) In any prosecution filed under a provision of this Code or any ordinance of the city which expressly requires proof that the actor engaged in conduct intentionally, knowingly, recklessly, or with criminal negligence, then a person does not commit an offense unless he is shown to have engaged in such conduct as the definition of the offense requires.
- (b) Whenever in this Code or in any ordinance of the city an act or a failure to act is prohibited, or is made or declared to be unlawful, or an offense, or a misdemeanor, and such provision does not expressly require proof that the violation be committed intentionally, knowingly, recklessly, or with criminal negligence, then proof of a culpable mental state is not required for conviction of such offense, it being the intent of the eCity eCouncil to dispense with the requirement of any culpable mental state in prosecutions filed under such provisions of this Code and other ordinances of the eCity.
- (c) Proof of a higher degree of culpability than that charged constitutes proof of the culpability charged.

Section 2. That except as amended herein all other provisions of Chapter 1 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-W

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 1-6 FAILURE TO PAY, AND DELETING SECTION 1-7 CITY WORKHOUSE ESTABLISHED AND SECTION 1-8 KEEPER; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 1, General Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 1, GENERAL PROVISIONS

...

Sec. 1-6. - Failure to pay fine.

Any person who shall fail or refuse to pay any fine or costs imposed by the municipal court for any offense against the provisions of this Code or other ordinances of the City may be committed to the city jail or assigned community service by the Judge or the Municipal Court. Persons assigned community service shall be required to do and perform such work and labor as may be designated by the person responsible for the community service program. Such person shall receive a credit on his fine and costs in the sum of one hundred dollars (\$100.00) for each day's work performed for the City under such commitment.

Sec. 1-7. - Severability of parts of Code.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-8. - Violation of promise to appear.

Any person who willfully violates his written promise to appear in court for a violation of any provision of this Code or who knowingly fails to appear in accordance with the terms of a duly received written notice to appear in court for a violation of any provision of this Code shall be guilty of a misdemeanor regardless of the disposition of the original ordinance violation charge. A violation of a written promise to appear in court or a failure to appear in accordance with the terms of a duly received written notice to appear in court under this section shall be punishable by a fine prescribed by section 1-5.

Sec. 1-9. - Culpable mental state.

- (a) In any prosecution filed under a provision of this Code or any ordinance of the city which expressly requires proof that the actor engaged in conduct intentionally, knowingly, recklessly, or with criminal negligence, then a person does not commit an offense unless he is shown to have engaged in such conduct as the definition of the offense requires.
- (b) Whenever in this Code or in any ordinance of the city an act or a failure to act is prohibited, or is made or declared to be unlawful, or an offense, or a misdemeanor, and such provision does not expressly require proof that the violation be committed intentionally, knowingly, recklessly, or with criminal negligence, then proof of a culpable mental state is not required for conviction of such offense, it being the intent of the City Council to dispense with the requirement of any culpable mental state in prosecutions filed under such provisions of this Code and other ordinances of the City.
- (c) Proof of a higher degree of culpability than that charged constitutes proof of the culpability charged.

Section 2. That except as amended herein all other provisions of Chapter 1 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-X, amending Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Kennels/Catteries, and Article III. Prohibition of Sales or the Giving Away of Dogs and Cats on Public Property; providing for penalties; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 4, Animals and Fowl, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 4-5 – Updated provisions and processes to allow canines, felines, and ferrets in the City limits
 - o Require microchipping (with the exception of assistance animals)
 - o Do away with the issuance of City I.D. tags
- Sec 4-17 – Added violation for falsifying documents when surrendering animals.
- Sec 4-30 – Updating definitions
- Sec 4-44 – Adding new Section – Animal Seller Permit
 - o Procedures/provisions for the sale of animals in city limits
 - o Require seller permit (rabies vaccination) prior to the sale
 - o Exempts kennel/catteries
- Grammatical changes throughout

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:** 3/29/2022 SLH

Supporting documents attached:

- Ordinance 22-X; redlined
- Ordinance 22-X; final

Recommendation: Move to approve Ordinance 22-X, amending Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article

I. In General, Article II. Kennels/Catteries, and Article III. Prohibition of Sales or the Giving Away of Dogs and Cats on Public Property; providing for penalties; providing for severability; 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 NO. 22-X

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. KENNELS/CATTERIES, AND ARTICLE III. PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 4, Animals and Fowl, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

Chapter 4 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

...

Sec. 4-3. Definitions.

For the purpose of this chapter, the definitions as stated in the current or latest "rabies control and eradication" rules of the Texas Department of State Health Services shall also apply, with the following exceptions and/or additions:

...

Vicious or dangerous animal means:

- (1) Any animal which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;

- (2) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;
- (3) Any animal certified by a ~~d~~Doctor of ~~v~~Veterinary ~~m~~Medicine, after observation thereof, as posing a danger to human life, animal life or property upon the basis of a reasonable medical probability;
- (4) Any animal that commits an unprovoked attack on a person or animal on public or private property; or
- (5) Any animal that attacks or threatens to attack a person.

...

...

Sec. 4-5. - Licensing of canines, felines and ferrets.

- (a) ~~Identification tag and m~~Microchip requirements. It shall be unlawful for the owner or custodian of any canine or feline, including ferrets, to keep such canine, feline or ferret within the corporate limits of the ~~e~~City without ~~having first~~ having the animal microchipped by either a veterinarian of the owner's choice or by the City of Alvin Animal Shelter. The owner shall complete a form available at the City of Alvin Animal Shelter providing necessary owner and pet information. If microchipped somewhere other than the City of Alvin Animal Shelter, the owner shall provide proof that the microchip is registered with the microchip company and the information associated with the microchip is correct and current. secured an identification tag from the city, which tag shall be securely attached to such animal. The owner shall state his/her name and address, and the breed, color and sex of the animal to be licensed on the application form. All animals adopted from the City of Alvin Animal Shelter shall be microchipped unless such procedure is determined by a licensed veterinarian to be adverse to the animal's health.

~~Animal owners registering or redeeming their animals may opt out of the microchip if they so choose.~~

- (b) ~~Inoculation against rabies prerequisite to issuance of identification tag.~~ tag implantation ~~implantation of microchip.~~ The City shall implant a microchip and provide registration paperwork to any person representing himself to be the owner or custodian of a canine, feline, or ferret which is kept, harbored or maintained within the corporate limits of the city, but shall not be implanted unless and until satisfactory evidence has been presented that such animal has been fully inoculated against rabies under the direction of a veterinarian licensed and duly authorized to practice veterinary medicine in the state. ~~The city shall issue an identification tag and offer microchip implant registration to any person representing himself to be the owner or custodian of a canine, feline or ferret which is kept, harbored or maintained within the corporate limits of the city, but no such tag shall be issued or microchip implanted unless and until satisfactory evidence has been presented that such animal has been fully inoculated against rabies by a veterinarian licensed and duly authorized~~

~~to practice veterinary medicine in the state within thirty (30) days of the issuance of such tag and microchip.~~

(c) When received; fee; receipt for fee.

(1) ~~Identification tags and microchip registration of all canines, felines or ferrets within the city shall be valid for one year from the date of issuance. An owner shall renew tags and update microchip registrations, when applicable, within thirty (30) days prior to the expiration date of the tag or microchip registration date.~~ Microchip registration of all canines, felines, or ferrets within the city shall be updated by the owner, when applicable, within thirty (30) days of any change in owner information.

(2) A fee in the amount set forth in chapter 28 of this Code shall be required for each ~~identification tag and microchip registration issued~~ microchip implanted by the eCity under the provisions of this chapter.

(d) Exemptions. The ~~licensing microchipping~~ provisions of this section shall not apply to the following:

(1) Canine and feline animals under the age of four (4) months if kept within an enclosure.

(2) Canine and feline animals brought to the city exclusively for the purpose of entering same in any "dog or cat" show or exhibition.

(3) Animal rescuer.

~~(4) Assistance animal.~~

...

Sec. 4-9. Keeping, harboring or owning poultry and rabbits.

(a) No person shall keep, feed, raise or maintain any fowl or rabbits within the city limits, except as may otherwise be provided for herein:

(1) This section does not pertain to household caged domestic birds such as finches, canaries, parakeets, etc.

(2) It is acceptable to have seven (7) hens, three (3) turkeys, three (3) geese, seven (7) ducks, two (2) pea-hens, seven (7) adult rabbits, but no more than ten (10) of any combination of such animals may be kept upon any lot at least the size of six thousand six hundred (6,600) square feet. In the event that such fowl or rabbits are kept in a larger lot, the number so kept and maintained may be increased only in the ratio of the above figures to the increase in the square footage of such larger lot.

...

Sec. 4-12. - Impounding of animals.

- (a) Any animal found running at large on the streets, sidewalks, or other public or private places, and not under direct physical control of its owner or keeper, may be captured and picked up by the ~~a~~Animal ~~e~~Control ~~o~~Officer and impounded.

The City of Alvin Animal Shelter is the temporary caregiver for animals impounded and is authorized to provide care, including vaccinations, under the direction of a licensed veterinarian to insure the health of the shelter's animal population. Impounded animals will be kept for seventy-two (72) hours unless redeemed by their owner prior to that time. After seventy-two (72) hours, and if the owner is not identified, the animal may be adopted, rescued, or euthanized as best determined by the ~~a~~Animal ~~e~~Control personnel. An animal determined to be a stray or feral may be euthanized prior to seventy-two (72) hours if it is injured, ill, or so aggressive that it is a danger to ~~a~~Animal ~~e~~Control personnel or other persons. A ~~registered-microchipped~~ animal that is impounded and found to be seriously injured, ill, or so aggressive that it is an immediate danger, may be euthanized only after reasonable efforts to contact the registered owner has been attempted.

- (b) Every person, other than a ~~p~~Police ~~o~~Officer or the ~~e~~City ~~a~~Animal ~~e~~Control ~~o~~Officer and/or deputies, that takes up any animal under the provisions of this section shall immediately give notice thereof to the ~~e~~City ~~a~~Animal ~~e~~Control ~~o~~Officer, and every such person, or any person in whose custody such animal may in the meantime be placed, shall contact animal control to pick up or shall deliver such animal to the ~~e~~City ~~a~~Animal ~~e~~Control ~~o~~Officer without fee or charge, and the ~~e~~City ~~a~~Animal ~~e~~Control ~~o~~Officer shall thereupon hold and dispose of such animal as though such animal had been found running at large and impounded by an officer.

Sec. 4-13. - Release of impounded animals.

- (a) If an animal has been impounded for running at large ~~or for no city identification tag~~, the ~~a~~Animal ~~e~~Control ~~o~~Officer shall release it to the owner if:
- (1) The owner pays:
 - a. The applicable fines;
 - b. The pound fees set forth in chapter 28; and
 - c. The fee set forth in chapter 28 for each animal for each day or part of a day after the first day on which such animal was impounded; and
 - (2) The owner redeems his animal within seventy-two (72) hours after its capture and impoundment; and
 - (3) The owner has an unexpired rabies vaccination certificate and, if the owner is a resident of the city, has a current ~~license and~~ microchip, when applicable, for the animal; and
 - (4) The owner presents proper identification and proof of ownership.
- (b) If the animal has not been redeemed by the owner after an expiration of seventy-two (72) hours, it shall be disposed of humanely or it shall be placed for adoption or rescue after the city has claimed the animal.

...

Sec. 4-17. - Releasing or dumping of animals.

(a) It shall be a violation of this chapter for any person to dump, release or abandon any animal, whatsoever on any property, whether public or private, within the city.

(b) It shall be a violation of this chapter for any person to surrender an animal to the City Animal Control by providing false information or deceit.

~~(b)~~(c) Any person having knowledge of an animal which has been or is believed to have been dumped, released or abandoned shall so notify the animal control officer and shall give all pertinent information including description and location of animal and the name, address, car license number, or any other information or description of the person who dumped, released or abandoned the animal, if known.

~~(c)~~(d) Any person who keeps, harbors, feeds, shelters or otherwise allows any stray animal or any animal which has been dumped, released or abandoned to remain on his property or allows or permits egress or ingress for three (3) or more days without notifying the ~~a~~Animal ~~e~~Control ~~e~~Officer shall hereby be deemed the owner of said animal.

...

ARTICLE II. - KENNELS/CATTERIES

DIVISION 1. - GENERALLY

Sec. 4-30. - Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Animal rescuer means any person operating a rescue organization or shelter must register with ~~a~~Animal ~~e~~Control, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to licensing-microchipping and permitting in this chapter.

Cattery means any building, structure, enclosure premises or lot whereupon, or within which, more than four (4) cats, four (4) months of age or older, are kept or maintained for any purpose whatever, except a veterinary hospital operated by a graduate veterinarian duly licensed by the state board of veterinary examiners, or the impound facility operated by the ~~e~~City.

Class I kennel means any building, structure, enclosure or premises whereupon, or within which, five (5) to eight (8) dogs, four (4) months of age or older, are kept or maintained. One-half (½) acre minimum is required.

Class II kennel means any building, structure, enclosure or premises whereupon, or within which, nine (9) or more dogs, four (4) months of age or older, are kept or maintained. One-acre minimum is required.

~~*Unlicensed-Non-microchipped animal*~~ means any dog or cat ~~for which no valid license is currently in force~~ for which has no microchip or the owner information with the microchip company or animal control is not valid.

Unaltered and unsplayed means a condition that exists in an animal which permits the producing of offspring.

Division 2 – Mandatory Licensing of Kennels and Catteries

Sec. 4-31. Licensing.

- (a) No person shall operate or maintain a kennel or a cattery as those terms are defined in section 4-30, without first obtaining approval from a ~~eCity~~ ~~aAnimal~~ ~~eControl~~ ~~oOfficer~~, ~~city permit department~~ after which the appropriate license will be obtained from the Animal Control Department. Such license shall be valid for a period of two (2) years from the date of issuance, except that the ~~aAnimal~~ ~~eControl~~ ~~oOfficial~~ may, in his/her discretion, limit the duration of the license to one (1) year when he/she deems such limitation to be appropriate. Said license shall be renewed prior to the date of expiration. Where a kennel license has been issued and is in effect, all animals contained in such kennel shall also be licensed in accordance with the rules and regulations for licensing as set forth in section 4-4.
- (b) An application for a kennel or cattery license shall be filed with the ~~aAnimal~~ ~~eControl~~ ~~dDepartment~~. Said application form, when completed, shall contain such information as may reasonably be required by the animal control official for the purposes of enforcement of this chapter, including but not limited to:
 - (1) The name, address and current home telephone number of the caretaker of the subject kennel or cattery; and
 - (2) A separate name, address and current telephone number for emergency use when such caretaker is absent from the subject kennel or cattery.

Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the ~~aAnimal~~ ~~eControl~~ ~~dDepartment~~ at the time the application for the kennel or cattery license is submitted.

- (c) After receipt of a kennel or cattery license application, the ~~aAnimal~~ ~~eControl~~ ~~oOfficer~~ and the ~~eCity~~ ~~hHealth~~ ~~oOfficial~~ shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the ~~hHealth~~ ~~oOfficial~~, satisfies the applicable laws and regulations of the state, and the applicable ordinances of the ~~eCity~~. ~~Notwithstanding~~ Notwithstanding any other provision of this chapter, the ~~hHealth~~ ~~oOfficial~~ or the animal control official may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are kept

or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.

- (d) Notwithstanding any other provision of this chapter, the ~~h~~HHealth ~~e~~Official and ~~a~~Animal ~~e~~Control ~~e~~Official are hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the city for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this article. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the ~~h~~HHealth ~~e~~Official or ~~a~~Animal ~~e~~Control official shall deem appropriate. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.
- (e) A non-profit animal rescuer shall not be required to pay a fee for the licenses required of this article; provided, however, that all other provisions of this article shall be applicable to any such nonprofit corporation.
- (f) A violation of this section shall be punishable as follows: Any person who violates any part of this chapter shall, upon conviction, be guilty of a misdemeanor, and shall be fined as prescribed by section 1-5. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued or permitted.

Secs. 4-32—4-35. - Reserved.

DIVISION 3. - ANIMAL RESCUER PERMIT

Sec. 4-36. - Licensing.

- (a) Any person engaged in the rescue of animals, shall first obtain a rescue permit from the ~~e~~City ~~a~~Animal ~~e~~Control ~~d~~Department and shall meet all requirements for a kennel/cattery license.
 - (1) For a rescuer primarily maintaining five (5) to eight (8) dogs or cats outside, a class I kennel/cattery license is required, and the minimum land requirement shall be one-half ($\frac{1}{2}$) acre to one (1) acre in size.
 - (2) For a rescuer primarily maintaining nine (9) or more dogs or cats outside, a class II kennel/cattery license is required, and the minimum land requirement shall be one (1) acre.
- (b) The fee for a kennel/cattery permit as a rescue facility shall be as stated in chapter 28.
- (c) Personal dogs or cats (not for adoption or sale) shall be ~~individually licensed~~ microchipped in accordance with this chapter.

- (d) A permitted rescuer obtaining animals from a shelter shall not be subject to the payment of impound fees and charges, but shall be subject to any spay/neuter fees by a properly licensed veterinarian.
- (e) All rescued dogs and rescued cats older than four (4) months must be spayed/neutered, unless a licensed veterinarian prohibits for reason of medical necessity, prior to releasing to an adopting party. In any event, the animal must be altered within thirty (30) days of receipt by the rescuer.
- (f) Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to the city of animal control for inspection upon request.
- (g) Administration of the animal rescue program shall be the responsibility of the animal control official who shall have the authority to issue and revoke animal rescue permits.

Secs. 4-44, 4-45. - Reserved.

DIVISION 5. - ANIMAL SELLER PERMIT

- (a) Any person engaged in the sale of animals, shall first obtain a seller permit from the city Animal Control Department and shall meet all requirements for such permit.
 - (1) Applicant must provide proof of rabies inoculation as required in Sec. 4-5(b) of this chapter.
 - (2) No more than one prior permit granted to household in prior twelve (12) months.
- (b) The fee for a seller permit shall be as stated in chapter 28.
- (c) Seller permit does not apply to kennel/cattery and is limited to one animal or litter.

ARTICLE III. - PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY

Sec. 4-46. - Prohibition of sales or the giving away of ~~dogs and cats~~ living animals on public property.

No person shall offer for sale or sell, give away or transfer for adoption any cat, kitten, dog, ~~or puppy~~ rabbit, bird or any other living animal on any public street, public sidewalk or public park in the city limits.

Secs. 4-47—4-50. - Reserved.

Section 2. That except as amended herein all other provisions of Chapter 41 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-X

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. KENNELS/CATTERIES, AND ARTICLE III. PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 4, Animals and Fowl, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

Chapter 4 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

...

Sec. 4-3. Definitions.

For the purpose of this chapter, the definitions as stated in the current or latest "rabies control and eradication" rules of the Texas Department of State Health Services shall also apply, with the following exceptions and/or additions:

...

Vicious or dangerous animal means:

- (1) Any animal which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;

- (2) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;
- (3) Any animal certified by a Doctor of Veterinary Medicine, after observation thereof, as posing a danger to human life, animal life or property upon the basis of a reasonable medical probability;
- (4) Any animal that commits an unprovoked attack on a person or animal on public or private property; or
- (5) Any animal that attacks or threatens to attack a person.

...

...

Sec. 4-5. - Licensing of canines, felines and ferrets.

- (a) *Microchip requirements.* It shall be unlawful for the owner or custodian of any canine or feline, including ferrets, to keep such canine, feline or ferret within the corporate limits of the City without first having the animal microchipped by either a veterinarian of the owner's choice or by the City of Alvin Animal Shelter. The owner shall complete a form available at the City of Alvin Animal Shelter providing necessary owner and pet information. If microchipped somewhere other than the City of Alvin Animal Shelter, the owner shall provide proof that the microchip is registered with the microchip company and the information associated with the microchip is correct and current. All animals adopted from the City of Alvin Animal Shelter shall be microchipped unless such procedure is determined by a licensed veterinarian to be adverse to the animal's health.
- (b) *Inoculation against rabies prerequisite to implantation of microchip.* The City shall implant a microchip and provide registration paperwork to any person representing himself to be the owner or custodian of a canine, feline, or ferret which is kept, harbored or maintained within the corporate limits of the city, but shall not be implanted unless and until satisfactory evidence has been presented that such animal has been fully inoculated against rabies under the direction of a veterinarian licensed and duly authorized to practice veterinary medicine in the state.
- (c) When received; fee; receipt for fee.
 - (1) Microchip registration of all canines, felines, or ferrets within the city shall be updated by the owner, when applicable, within thirty (30) days of any change in owner information.
 - (2) A fee in the amount set forth in chapter 28 of this Code shall be required for each microchip implanted by the City under the provisions of this chapter.
- (d) Exemptions. The microchipping provisions of this section shall not apply to the following:
 - (1) Canine and feline animals under the age of four (4) months if kept within an enclosure.

(2) Canine and feline animals brought to the city exclusively for the purpose of entering same in any "dog or cat" show or exhibition.

(3) Animal rescuer.

...

Sec. 4-9. Keeping, harboring or owning poultry and rabbits.

(a) No person shall keep, feed, raise or maintain any fowl or rabbits within the city limits, except as may otherwise be provided for herein:

(1) This section does not pertain to household caged domestic birds such as finches, canaries, parakeets, etc.

(2) It is acceptable to have seven (7) hens, three (3) turkeys, three (3) geese, seven (7) ducks, two (2) peahens, seven (7) adult rabbits, but no more than ten (10) of any combination of such animals may be kept upon any lot at least the size of six thousand six hundred (6,600) square feet. In the event that such fowl or rabbits are kept in a larger lot, the number so kept and maintained may be increased only in the ratio of the above figures to the increase in the square footage of such larger lot.

...

Sec. 4-12. - Impounding of animals.

(a) Any animal found running at large on the streets, sidewalks, or other public or private places, and not under direct physical control of its owner or keeper, may be captured and picked up by the Animal Control Officer and impounded.

The City of Alvin Animal Shelter is the temporary caregiver for animals impounded and is authorized to provide care, including vaccinations, under the direction of a licensed veterinarian to insure the health of the shelter's animal population. Impounded animals will be kept for seventy-two (72) hours unless redeemed by their owner prior to that time. After seventy-two (72) hours, and if the owner is not identified, the animal may be adopted, rescued, or euthanized as best determined by the Animal Control personnel. An animal determined to be a stray or feral may be euthanized prior to seventy-two (72) hours if it is injured, ill, or so aggressive that it is a danger to Animal Control personnel or other persons. A microchipped animal that is impounded and found to be seriously injured, ill, or so aggressive that it is an immediate danger, may be euthanized only after reasonable efforts to contact the registered owner has been attempted.

(b) Every person, other than a Police Officer or the City Animal Control Officer and/or deputies, that takes up any animal under the provisions of this section shall immediately give notice thereof to the City Animal Control Officer, and every such person, or any person in whose custody such animal may in the meantime be placed, shall contact animal control to pick up or shall deliver such animal to the City Animal Control Officer without fee or charge, and the City Animal Control Officer shall thereupon hold and dispose of such animal as though such animal had been found running at large and impounded by an officer.

Sec. 4-13. - Release of impounded animals.

- (a) If an animal has been impounded for running at large, the Animal Control Officer shall release it to the owner if:
 - (1) The owner pays:
 - a. The applicable fines;
 - b. The pound fees set forth in chapter 28; and
 - c. The fee set forth in chapter 28 for each animal for each day or part of a day after the first day on which such animal was impounded; and
 - (2) The owner redeems his animal within seventy-two (72) hours after its capture and impoundment; and
 - (3) The owner has an unexpired rabies vaccination certificate and, if the owner is a resident of the city, has a current microchip, when applicable, for the animal; and
 - (4) The owner presents proper identification and proof of ownership.
- (b) If the animal has not been redeemed by the owner after an expiration of seventy-two (72) hours, it shall be disposed of humanely or it shall be placed for adoption or rescue after the city has claimed the animal.

...

Sec. 4-17. - Releasing or dumping of animals.

- (a) It shall be a violation of this chapter for any person to dump, release or abandon any animal, whatsoever on any property, whether public or private, within the city.
- (b) It shall be a violation of this chapter for any person to surrender an animal to the City Animal Control by providing false information or deceit.
- (c) Any person having knowledge of an animal which has been or is believed to have been dumped, released, or abandoned shall so notify the animal control officer and shall give all pertinent information including description and location of animal and the name, address, car license number, or any other information or description of the person who dumped, released or abandoned the animal, if known.
- (d) Any person who keeps, harbors, feeds, shelters, or otherwise allows any stray animal or any animal which has been dumped, released, or abandoned to remain on his property or allows or permits egress or ingress for three (3) or more days without notifying the Animal Control Officer shall hereby be deemed the owner of said animal.

...

ARTICLE II. - KENNELS/CATTERIES

DIVISION 1. - GENERALLY

Sec. 4-30. - Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Animal rescuer means any person operating a rescue organization or shelter must register with Animal Control, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to microchipping and permitting in this chapter.

Cattery means any building, structure, enclosure premises or lot whereupon, or within which, more than four (4) cats, four (4) months of age or older, are kept or maintained for any purpose whatever, except a veterinary hospital operated by a graduate veterinarian duly licensed by the state board of veterinary examiners, or the impound facility operated by the City.

Class I kennel means any building, structure, enclosure, or premises whereupon, or within which, five (5) to eight (8) dogs, four (4) months of age or older, are kept or maintained. One-half (½) acre minimum is required.

Class II kennel means any building, structure, enclosure, or premises whereupon, or within which, nine (9) or more dogs, four (4) months of age or older, are kept or maintained. One-acre minimum is required.

Non-microchipped animal means any dog or cat which has no microchip or the owner information with the microchip company or animal control is not valid.

Unaltered and unsplayed means a condition that exists in an animal which permits the producing of offspring.

Division 2 – Mandatory Licensing of Kennels and Catteries

Sec. 4-31. Licensing.

- (a) No person shall operate or maintain a kennel or a cattery as those terms are defined in section 4-30, without first obtaining approval from a City Animal Control Officer, after which the appropriate license will be obtained from the Animal Control Department. Such license shall be valid for a period of two (2) years from the date of issuance, except that the Animal Control Official may, in his/her discretion, limit the duration of the license to one (1) year when he/she deems such limitation to be appropriate. Said license shall be renewed prior to the date of expiration. Where a kennel license has been issued and is in effect, all animals contained in such kennel shall also be licensed in accordance with the rules and regulations for licensing as set forth in section 4-4.
- (b) An application for a kennel or cattery license shall be filed with the Animal Control Department. Said application form, when completed, shall contain such information as may

reasonably be required by the animal control official for the purposes of enforcement of this chapter, including but not limited to:

- (1) The name, address, and current home telephone number of the caretaker of the subject kennel or cattery; and
- (2) A separate name, address, and current telephone number for emergency use when such caretaker is absent from the subject kennel or cattery.

Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Animal Control Department at the time the application for the kennel or cattery license is submitted.

- (c) After receipt of a kennel or cattery license application, the Animal Control Officer and the City Health Official shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued, nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Health Official, satisfies the applicable laws and regulations of the state, and the applicable ordinances of the City. Notwithstanding any other provision of this chapter, the Health Official or the animal control official may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.
- (d) Notwithstanding any other provision of this chapter, the Health Official and Animal Control Official are hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the city for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this article. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Health Official or Animal Control official shall deem appropriate. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.
- (e) A non-profit animal rescuer shall not be required to pay a fee for the licenses required of this article; provided, however, that all other provisions of this article shall be applicable to any such nonprofit corporation.
- (f) A violation of this section shall be punishable as follows: Any person who violates any part of this chapter shall, upon conviction, be guilty of a misdemeanor, and shall be fined as prescribed by section 1-5. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued or permitted.

Secs. 4-32—4-35. - Reserved.

DIVISION 3. - ANIMAL RESCUER PERMIT

Sec. 4-36. - Licensing.

- (a) Any person engaged in the rescue of animals, shall first obtain a rescue permit from the City Animal Control Department and shall meet all requirements for a kennel/cattery license.
 - (1) For a rescuer primarily maintaining five (5) to eight (8) dogs or cats outside, a class I kennel/cattery license is required, and the minimum land requirement shall be one-half ($\frac{1}{2}$) acre to one (1) acre in size.
 - (2) For a rescuer primarily maintaining nine (9) or more dogs or cats outside, a class II kennel/cattery license is required, and the minimum land requirement shall be one (1) acre.
- (b) The fee for a kennel/cattery permit as a rescue facility shall be as stated in chapter 28.
- (c) Personal dogs or cats (not for adoption or sale) shall be microchipped in accordance with this chapter.
- (d) A permitted rescuer obtaining animals from a shelter shall not be subject to the payment of impound fees and charges but shall be subject to any spay/neuter fees by a properly licensed veterinarian.
- (e) All rescued dogs and rescued cats older than four (4) months must be spayed/neutered, unless a licensed veterinarian prohibits for reason of medical necessity, prior to releasing to an adopting party. In any event, the animal must be altered within thirty (30) days of receipt by the rescuer.
- (f) Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to the city of animal control for inspection upon request.
- (g) Administration of the animal rescue program shall be the responsibility of the animal control official who shall have the authority to issue and revoke animal rescue permits.

Secs. 4-44, 4-45. - Reserved.

DIVISION 5. - ANIMAL SELLER PERMIT

- (a) Any person engaged in the sale of animals, shall first obtain a seller permit from the city Animal Control Department and shall meet all requirements for such permit.
 - (1) Applicant must provide proof of rabies inoculation as required in Sec. 4-5(b) of this chapter.
 - (2) No more than one prior permit granted to household in prior twelve (12) months.
- (b) The fee for a seller permit shall be as stated in chapter 28.
- (c) Seller permit does not apply to kennel/cattery and is limited to one animal or litter.

ARTICLE III. - PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY

Sec. 4-46. - Prohibition of sales or the giving away of living animals on public property.

No person shall offer for sale or sell, give away or transfer for adoption any cat, kitten, dog, rabbit, bird or any other living animal on any public street, public sidewalk or public park in the city limits.

Secs. 4-47—4-50. - Reserved.

Section 2. That except as amended herein all other provisions of Chapter 41 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert Lee, Chief

Agenda Item: Consider Ordinance 22-Y, amending Chapter 14, Nursing, Care and Rest Homes, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 14-5 Inspections by the Chief of Police and Fire Marshal; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 14, Nursing, Care and Rest Homes, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 14-5 – Removing the requirement that the Chief of Police inspect nursing homes, etc., as this is done by the Fire Marshal

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:** 3/29/2022 SLH

Supporting documents attached:

- Ordinance 22-Y; redlined
- Ordinance 22-Y; final

Recommendation: Move to approve Ordinance 22-Y, amending Chapter 14, Nursing, Care and Rest Homes, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 14-5 Inspections by the Chief of Police and Fire Marshal; providing for severability; 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 NO. 22-Y

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 14, NURSING, CARE AND REST HOMES, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 14-5 INSPECTIONS BY CHIEF OF POLICE, FIRE MARSHAL; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and that the procedures herein reflect standard practice; and

WHEREAS, the City Council of the City of Alvin desires to promote the health, safety, and general welfare of its citizens;

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

Section 1. That Chapter 14, Nursing, Care and Rest Homes, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 14, NURSING, CARE AND REST HOMES

...

Sec. 14-5. - Inspections by ~~chief of police~~, ~~f~~ire ~~m~~arshal, ~~etc.~~

The ~~chief of police~~, ~~f~~ire ~~m~~arshal, ~~plumbing inspector, utility director and electrical inspector~~ ~~each~~ shall be required to make periodic inspections of the premises of every nursing home, custodial care home and rest home for elderly persons. ~~and report their findings to the mayor.~~

...

Section 2. That except as amended herein all other provisions of Chapter 14 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 7. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-Y

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 14, NURSING, CARE AND REST HOMES, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 14-5 INSPECTIONS BY CHIEF OF POLICE, FIRE MARSHAL; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and that the procedures herein reflect standard practice; and

WHEREAS, the City Council of the City of Alvin desires to promote the health, safety, and general welfare of its citizens;

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

Section 1. That Chapter 14, Nursing, Care and Rest Homes, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 14, NURSING, CARE AND REST HOMES

...

Sec. 14-5. - Inspections by, Fire Marshal,

The Fire Marshal, shall be required to make periodic inspections of the premises of every nursing home, custodial care home and rest home for elderly persons.

...

Section 2. That except as amended herein all other provisions of Chapter 14 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 7. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-Z, amending Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Junked Vehicles, and Article III. Police Reserve Force; providing for penalties; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 15, Offenses and Miscellaneous Provisions, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Section 15-2 and 15-8 – adding an exception for indoor/outdoor gun ranges
- Section 15-9 – Delete Section referring to Houses of Prostitution and other Disorderly Houses; codified under state law
- Section 15-12 – Delete Section referring to public drunkenness; codified under state law
- Section 15-13 – Delete Section referring to Vagrancy
- Grammatical changes

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:** 3/29/2022 SLH

Supporting documents attached:

- Ordinance 22-Z; redlined
- Ordinance 22-Z; final

Recommendation: Move to approve Ordinance 22-Z, amending Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Junked Vehicles, and Article III. Police Reserve Force; providing for penalties; providing for severability; 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 NO. 22-Z

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. JUNKED VEHICLES, AND ARTICLE III. POLICE RESERVE FORCE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

...

Sec. 15-2. - Air guns—Discharge prohibited.

It shall be unlawful for any person to shoot or discharge any air gun or air rifle of any description in the city or to knowingly, ~~wilfully~~willfully or negligently cause any air gun or air rifles to be shot or discharged in the city by a minor who is in his custody or under his control.

Exception: Discharge of an air gun or air rifle is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

Sec. 15-3. - Assault ~~and battery~~.

If any person shall use any unlawful violence upon the person of another, with intent to injure him, whatever be the means or the degree of violence used upon the person of another,

such person shall be guilty of an assault ~~and battery~~, and upon conviction, shall be punished as prescribed in section 1-5.

...

Sec. 15-8. - Firearms—Discharge prohibited.

No person shall fire or discharge any gun, revolver, pistol or other firearm within the city or knowingly, ~~wilfully~~willfully or negligently cause any gun, revolver, pistol or other firearm to be fired or discharged within the city by a minor who is in his custody or under his control.

Exception: Discharge of a firearm is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

~~Sec. 15-9. -- Houses of prostitution and other disorderly houses.~~

~~It shall be unlawful for any person to keep any room, building, part of building, tent or other compartment or place for the purpose of public prostitution or as a common resort for prostitutes, lewd persons or vagabonds.~~

...

Sec. 15-11. - Noise—Use of amplifying devices and sound trucks.

- (a) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice or to produce, reproduce, intensify or amplify any other sound in any building or on any premises of the city or in or on any vehicle in the city for any purpose whereby the sound therefrom is cast directly upon the public streets or places, or which is so placed or operated that the sound coming therefrom can be heard on the streets or on neighboring premises to the annoyance or inconvenience of a reasonable person having normal nervous sensibilities, and being of ordinary tastes, habits and modes of living.
- (b) Notwithstanding the above provisions, amplifying devices and sound trucks may be used in the city provided a permit therefor is first obtained from the Cehief of Ppolice and such permit designates the term of the permit as determined by the Cehief of Ppolice.
- (c) Businesses who during the course of normal operations provide live or pre-recorded music or voice amplification and which have designated areas for live music or pre-recorded music or voice amplification, such as an outside stage, bandstand, or similar designated area where outside events or meals are held may, upon application to the ~~e~~Chief of ~~p~~Police, obtain a permit which is good for one calendar year from date of issuance.
- (d) All permits issued under this chapter are subject to restrictions designated at time of issuance and may be revoked due to violations of restrictions or other cause.

~~Sec. 15-12. -- Public drunkenness.~~

~~If any person shall get drunk or be found in a state of intoxication in any public place, he shall be deemed guilty of a misdemeanor.~~

~~Sec. 15-13. -- Vagrancy.~~

~~The following persons shall be deemed vagrants:~~

- ~~(1) An idle person who lives without means of support and makes no exertion to obtain a livelihood by honest employment.~~
- ~~(2) Any person who strolls idly about the street, having no local habitation or no honest business or employment.~~
- ~~(3) Any person who strolls about to tell fortunes or to exhibit tricks not licensed by law.~~
- ~~(4) A common prostitute.~~
- ~~(5) A professional gambler.~~
- ~~(6) A person who goes about to beg alms, who is not afflicted or disabled by a physical malady or misfortune.~~
- ~~(7) An habitual drunkard, who abandons, neglects or refuses to support his family.~~

~~Every vagrant in this city shall be guilty of a misdemeanor and punished as prescribed in section 1-5.~~

~~Sec. 15-14. - Reserved.~~

Secs. 15-1~~5~~2—15-29. - Reserved.

ARTICLE II – JUNKED VEHICLES

...

Sec. 15-34. - Disposal of junked vehicles.

If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site ~~operated-designated~~ by the city for processing as scrap or salvage. After removal of the junked vehicle or parts thereof to a scrap yard, demolisher, or other suitable site, it shall not be reconstructed or made operable by any person.

...

ARTICLE III. - POLICE RESERVE FORCE

Sec. 15-50. - Short title.

This article will be known and may be cited as the "Police Reserve Ordinance of the City of Alvin, Texas."

...

Sec. 15-52. - Qualifications and standards of training.

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, psychological, educational, and moral standards established by the Texas Commission on Law Enforcement ~~Officer Standards and Education~~ prior to his/her

appointment. Members of the ~~p~~P~~o~~l~~i~~c~~e~~ ~~r~~R~~e~~s~~e~~r~~v~~e ~~f~~F~~o~~r~~c~~e shall be governed by the rules and policies established by the ~~p~~P~~o~~l~~i~~c~~e~~ ~~e~~C~~h~~i~~e~~f for the ~~p~~P~~o~~l~~i~~c~~e~~ ~~r~~R~~e~~s~~e~~r~~v~~e ~~f~~F~~o~~r~~c~~e.

...

Section 2. That except as amended herein all other provisions of Chapter 15 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity, or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-Z

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. JUNKED VEHICLES, AND ARTICLE III. POLICE RESERVE FORCE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

...

Sec. 15-2. - Air guns—Discharge prohibited.

It shall be unlawful for any person to shoot or discharge any air gun or air rifle of any description in the city or to knowingly, willfully or negligently cause any air gun or air rifles to be shot or discharged in the city by a minor who is in his custody or under his control.

Exception: Discharge of an air gun or air rifle is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

Sec. 15-3. - Assault.

If any person shall use any unlawful violence upon the person of another, with intent to injure him, whatever be the means or the degree of violence used upon the person of another,

such person shall be guilty of an assault, and upon conviction, shall be punished as prescribed in section 1-5.

...

Sec. 15-8. - Firearms—Discharge prohibited.

No person shall fire or discharge any gun, revolver, pistol or other firearm within the city or knowingly, willfully or negligently cause any gun, revolver, pistol or other firearm to be fired or discharged within the city by a minor who is in his custody or under his control.

Exception: Discharge of a firearm is permitted at an indoor, semi-indoor or outdoor gun range operating in the City which has been designed to allow for the discharge of firearms.

...

Sec. 15-11. - Noise—Use of amplifying devices and sound trucks.

- (a) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice or to produce, reproduce, intensify or amplify any other sound in any building or on any premises of the city or in or on any vehicle in the city for any purpose whereby the sound therefrom is cast directly upon the public streets or places, or which is so placed or operated that the sound coming therefrom can be heard on the streets or on neighboring premises to the annoyance or inconvenience of a reasonable person having normal nervous sensibilities, and being of ordinary tastes, habits and modes of living.
- (b) Notwithstanding the above provisions, amplifying devices and sound trucks may be used in the city provided a permit therefor is first obtained from the Chief of Police and such permit designates the term of the permit as determined by the Chief of Police.
- (c) Businesses who during the course of normal operations provide live or pre-recorded music or voice amplification and which have designated areas for live music or pre-recorded music or voice amplification, such as an outside stage, bandstand, or similar designated area where outside events or meals are held may, upon application to the Chief of Police, obtain a permit which is good for one calendar year from date of issuance.
- (d) All permits issued under this chapter are subject to restrictions designated at time of issuance and may be revoked due to violations of restrictions or other cause.

Secs. 15-12—15-29. - Reserved.

ARTICLE II – JUNKED VEHICLES

...

Sec. 15-34. - Disposal of junked vehicles.

If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site designated by the city for processing as scrap or salvage. After removal of the

junked vehicle or parts thereof to a scrap yard, demolisher, or other suitable site, it shall not be reconstructed or made operable by any person.

...

ARTICLE III. - POLICE RESERVE FORCE

Sec. 15-50. - Short title.

This article will be known and may be cited as the "Police Reserve Ordinance of the City of Alvin, Texas."

...

Sec. 15-52. - Qualifications and standards of training.

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, psychological, educational, and moral standards established by the Texas Commission on Law Enforcement prior to his/her appointment. Members of the Police Reserve Force shall be governed by the rules and policies established by the Police Chief for the Police Reserve Force.

...

Section 2. That except as amended herein all other provisions of Chapter 15 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert Lee, Chief

Agenda Item: Consider Ordinance 22-AA, deleting Chapter 18, Private Watchmen, of the Code of Ordinances of the City of Alvin, Texas; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 18, Private Watchmen, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Delete entire Chapter referring to Private Watchman, codified under state law; DPS

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:** 3/31/2022 SLH

Supporting documents attached:

- Ordinance 22-AA; redlined

Recommendation: Move to approve Ordinance 22-AA, deleting Chapter 18, Private Watchmen, of the Code of Ordinances of the City of Alvin, Texas; 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 NO. 22-AA

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, DELETING CHAPTER 18, PRIVATE WATCHMEN, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 18, Private Watchmen, of the Code of Ordinances, City of Alvin, Texas, is hereby deleted in its entirety as follows:

~~CHAPTER 18—PRIVATE WATCHMEN~~

~~ARTICLE I.—IN GENERAL~~

~~Sec. 18-1.—Area of permitted operation.~~

~~No watchman licensed under this chapter shall act as a watchman in any area other than that described in the license application and for which the license was issued. Application for a change in the area which a licensee is permitted to patrol may be filed at any time, without payment of an additional fee and without additional fingerprints or investigation of the applicant's fitness, but subject to approval as to public convenience and necessity in like manner as in case of an original application for a license.~~

~~Sec. 18-2.—Not to impersonate peace officer.~~

~~No watchman licensed under this chapter shall present himself to be a peace officer, or wear any badge or insignia reasonably likely to lead any person, on casual observation, to believe him to be a peace officer, unless such licensee is otherwise duly appointed a special officer.~~

~~Secs. 18-3—18-7.—Reserved.~~

~~ARTICLE II.—LICENSE~~

~~Sec. 18-8.—Required.~~

~~No person shall, for compensation, patrol any public streets or alleys for the purpose of watching or guarding the property of another without obtaining a license so to do from the city.~~

~~Sec. 18-9. Application generally.~~

~~Application for a license required by this article shall be in writing and filed with the city secretary and shall state the name and business and residence address of the applicant, the length of his residence in the city, all addresses at which he has resided within the last two (2) years, and whether he has ever been convicted of a felony or of a misdemeanor involving moral turpitude. The application shall be verified by the affidavit of the applicant and accompanied by such recommendations as are required of applicants for positions on the city police force. The application shall specify the area (which need not be continuous) within the city which the applicant desires to patrol.~~

~~Sec. 18-10. Action on application by chief of police.~~

~~The city secretary shall transmit each application for a license under this article to the chief of police, who shall make appropriate investigation of the applicant's record with reference to his fitness to act as a watchman. The chief of police shall also determine whether public convenience and necessity would be served by the issuance of the license applied for, on which question the applicant shall, if he so desires, be entitled to a public hearing. The chief of police shall certify his findings to the city secretary. The applicant may appeal from an adverse finding to the city council, whose decision thereon shall be final.~~

~~Sec. 18-11. Fingerprinting applicant.~~

~~The chief of police shall cause to be made two (2) sets of fingerprints of each applicant for a license under this article.~~

~~Sec. 18-12. Fee.~~

~~The fee for a license required by this article shall be as set forth in chapter 28 of this Code. Such fee must accompany the license application and shall be used by the city to pay part of the expense of enforcing this chapter.~~

~~Sec. 18-13. Issuance.~~

~~The city secretary shall issue a license applied for under this article, if the chief of police or the city council, as the case may be, has found that the applicant is a proper person to be licensed and the public convenience and necessity justify the issuance of the license.~~

~~Sec. 18-14. Term; renewal.~~

~~Each license issued under this article shall be good for one year. Applications for renewal shall be subject to approval as to fitness of the applicant and as to public convenience and necessity in like manner as the original application, and shall be accompanied by the same fee.~~

~~Sec. 18-15. License to be carried at all times and exhibited on request.~~

~~A licensee under this article shall carry his license at all times while engaged in the performance of his duties as watchman, and shall exhibit the same to any person upon request.~~

~~**Sec. 18-16. -- License does not authorize arrests or carrying of arms.**~~

~~A license issued under this article shall not constitute the licensee a special officer and shall not authorize him to make arrests or carry arms. This provision is not intended to prevent the licensee from being appointed a special officer under authority of any other law or ordinance.~~

~~**Sec. 18-17. -- Revocation or suspension.**~~

~~After reasonable notice and opportunity to be heard, a license issued under this article may be revoked or suspended by the chief of police for a violation by the licensee of any provision of this chapter or for a material misstatement in the application for such license, or if such licensee has been guilty of fraud or dishonesty, or has demonstrated untrustworthiness or incompetency to act as a watchman, or if the licensee shall consume any alcoholic liquor while engaged in the performance of his duties or be under the influence of alcoholic liquor while engaged in the performance of his duties, or if he shall loiter in the company of immoral persons while engaged in the performance of his duties, or shall change his business or residence address and fail, within a reasonable time after such change, to give notice thereof to the chief of police. The licensee may appeal to the city council from revocation or suspension of his license, and the action of the city council, after hearing on such appeal, shall be final.~~

Section 2. Incorporation into Code of Ordinances. The provisions of this ordinance shall be removed from the Code of Ordinances, City of Alvin, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 4. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert Lee, Chief

Agenda Item: Consider Ordinance 22-BB, amending Chapter 20, Streets and Sidewalks, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 20, Streets and Sidewalks, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 20-2 – Delete section that prohibits the riding of bicycles on sidewalks. State law governs operation of bicycles.

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:** 3/31/2022 SLH _____

Supporting documents attached:

- Ordinance 22-BB; redlined

Recommendation: Move to approve Ordinance 22-BB, amending Chapter 20, Streets and Sidewalks, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General; providing for severability; 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 NO. 22-BB

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 20, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 20, Streets and Sidewalks, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 20, STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

...

~~**Sec. 20-2. Riding bicycles on sidewalks prohibited.**~~

~~**It shall be unlawful for any person to ride a bicycle on any sidewalk in the city.**~~

...

Section 2. That except as amended herein all other provisions of Chapter 20 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-CC, amending Chapter 24, Traffic, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article III. Commercial Motor Vehicles; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 24, Traffic, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Section 24-43 Permits for commercial motor vehicles - Removing state highways from this section, as the City cannot issue permits for state roadways.
- Grammatical changes

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:** 3/31/2022 SLH

Supporting documents attached:

- Ordinance 22-CC; redlined
- Ordinance 22-CC; final

Recommendation: Move to approve Ordinance 22-CC, amending Chapter 24, Traffic, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article III. Commercial Motor Vehicles; providing for severability; 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 NO. 22-CC

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 24, TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE III. COMMERCIAL MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 24, TRAFFIC

ARTICLE III. – COMMERCIAL MOTOR VEHICLES

...

Sec. 24-43. - Permits.

The ~~e~~C~~hief~~ of ~~p~~P~~olice~~ may issue a permit for the travel of commercial motor vehicles over city streets ~~or state highways~~ within the ~~e~~C~~ity~~ with loads in excess of the load limits provided in section 24-42 but only when it is impossible or impractical to reduce the weight of the load or use a commercial motor vehicle capable of hauling the load within the prescribed limit. Such permit shall be issued for only one day and for only one trip by each commercial motor vehicle. The ~~Public Services Director~~ ~~director of public works~~ shall determine the route of travel of said commercial motor vehicle and the permit shall specify the date of the trip, the license plate number of the commercial motor vehicle, and the route of travel. Prior to issuance of the permit, the applicant shall pay to the ~~e~~C~~ity~~ ~~s~~S~~ecretary~~ a permit fee in the amount set forth in chapter 28 of this Code.

...

Section 2. That except as amended herein all other provisions of Chapter 24 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any

conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-CC

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 24, TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE III. COMMERCIAL MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 24, TRAFFIC

ARTICLE III. – COMMERCIAL MOTOR VEHICLES

...

Sec. 24-43. - Permits.

The Chief of Police may issue a permit for the travel of commercial motor vehicles over city streets within the City with loads in excess of the load limits provided in section 24-42 but only when it is impossible or impractical to reduce the weight of the load or use a commercial motor vehicle capable of hauling the load within the prescribed limit. Such permit shall be issued for only one day and for only one trip by each commercial motor vehicle. The Public Services Director shall determine the route of travel of said commercial motor vehicle and the permit shall specify the date of the trip, the license plate number of the commercial motor vehicle, and the route of travel. Prior to issuance of the permit, the applicant shall pay to the City Secretary a permit fee in the amount set forth in chapter 28 of this Code.

...

Section 2. That except as amended herein all other provisions of Chapter 24 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 4. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-DD, amending Chapter 26, Wreckers, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Permits, Article III. Police Authorized Tows, and Article IV. Non-Consent Heavy Duty Tows; providing for penalty; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 26, Wreckers, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 26-1 – Amending definitions
- Sec 26-6 – Adding additional equipment to the equipment requirement list
- Sec 26-11-12 – Permit application to be obtained from the City Secretary's Office; amending information required on the application
- Sec 26-11-14 – Amending insurance requirements for wreckers
 - gross vehicle weight of 26,000 pounds or less
 - gross vehicle weight of 26,001 pounds or more
- Sec 26-16, 19 – Permits to follow Fiscal Year
- Sec 26-49 – Inspection of wreckers and storage facilities
- Sec 26-50 – Wrecker Driver Qualifications
- Sec 26-51 – Prohibiting the solicitation of towing business within 200 feet of an accident scene
- Sec 26-52 – Choice of wrecker service by driver at accident scene
- Sec 26-53-54 – Storage of Vehicles
- Sec 26-55 – Authorization to remove illegally parked, abandoned, or disabled vehicles
- Grammatical changes

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:** 3/31/2022 SLH

Supporting documents attached:

- Ordinance 22-DD; redlined

- Ordinance 22-DD; final

Recommendation: Move to approve Ordinance 22-DD, amending Chapter 26, Wreckers, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. Permits, Article III. Police Authorized Tows, and Article IV. Non-Consent Heavy Duty Tows; providing for penalty; providing for severability; 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 NO. 22-DD

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 26, WRECKERS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. PERMITS, ARTICLE III. POLICE-AUTHORIZED TOWS, AND ARTICLE IV. NON-CONSENT HEAVY DUTY TOWS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice; ~~and~~

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

Section 1. That Chapter 26, Wreckers, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

ARTICLE I. – IN GENERAL

Sec. 26-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Accident means a situation where one or more motor vehicles has collided with any other motor vehicle, ~~or object~~ pedestrian, animal, road debris, or other stationary object.

Auto wrecker ~~means~~ means Aany automobile, truck or other vehicle used for the purpose of towing, carrying, pushing or otherwise transporting any motor vehicle, from one place to another for any purpose of wrecking, storing, or repairing the vehicle. The term "auto wrecker" shall not be constructed to include a service car or other vehicle not equipped with mechanical devices for transporting disabled vehicles and not used for such purposes, such as service cars equipped with compressed air containers and tools for performing minor repairs not involving towing or transportation of disabled vehicles. This exception shall not authorize evasion of this chapter, and if any vehicle, although not equipped with devices primarily used for towing vehicles through means of ropes, chains or otherwise, the same shall be considered in violation of this chapter. An auto wrecker can pick up vehicles for mechanical repair and body shop work and haul vehicles for any dealer as long as it does not appear at an accident scene, or police incident

site. An auto wrecker towing a vehicle within the city limits of Alvin, Texas, shall comply with all state and federal regulations governing said auto wrecker(s).

Consent tow means any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or a law enforcement incident that involves the vehicle.

Custodial arrest: means Aa situation where a peace officer employed by the city takes the operator/owner of a motor vehicle into custody and determines that it is necessary to cause the person's vehicle to be removed from the scene for storage or for use in a criminal investigation.

Director means the Chief of Police who shall administer the rules and regulations set forth by this chapter. The Director shall report to the City Manager.

Emergency auto wrecker means an auto wrecker having a gross vehicle weight of twenty-six thousand (26,000) pounds or less, which holds a valid emergency auto wrecker permit from the city, and which lawfully appears at the scene of an accident or other police incident for the purpose or in expectation of towing, removing, or hauling away a vehicle from the scene of an accident or police incident site.

Heavy-duty wrecker: An auto wrecker with a manufacturer's rated carrying capacity of not less than six thousand (6,000) pounds. Except where a distinction is made, the term "auto wrecker," as used in this article, includes a "heavy-duty wrecker." means an auto wrecker having a gross vehicle weight of twenty-six thousand one (26,001) pounds or more. A heavy-duty wrecker shall not operate as an emergency wrecker, but may operate as a private wrecker, contracted by the owner(s)/operator(s) or the city to tow a heavy disabled, wrecked, or illegally parked vehicle. Heavy-duty wreckers shall be required to have all safety devices, warning equipment, etc., as outlined in section 26-7 of this chapter.

Motor vehicle: Any motor vehicle designed to be self-propelled and subject to registration pursuant to the Texas Certificate of Title Act except it shall not include any mobile home as defined in Vernon's Ann. Civ. St. art. 5221f. means a vehicle subject to the registration requirements of the Texas Transportation Code Chapter 501, or any other device designed to be self-propelled or transported on a public highway

Non-Consent tow means any tow of a motor vehicle that is not a consent tow, including the tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene, or Any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

Owner means where used in connection with the person(s) issued a permit under this chapter, shall be construed to mean any person, or his/her agent, engaged in the business of storing, wrecking, or repairing motor vehicles for hire and who owns or is entitled to operate any auto wrecker or emergency auto wrecker, and who uses the same in the conduct of his/her

business or any part thereof, and the term "owner" shall extend and be applied to associations, corporations, firms, and partnerships, as well as individuals.

Person: An individual, partnership, corporation, or any other entity howsoever formed.

Permit means a permit to be issued annually by the City, which authorizes the permit holder thereof to answer calls from the Police Department or police-authorized tows pursuant to a police-authorized tow agreement and non-consent tows.

Permit holder means any person, business, corporation, limited liability company, limited liability partnership, partnership, or other entity created by the state of Texas or any other state, which has been issued a valid wrecker service permit from the City authorizing performance of non-consent tows within the corporate limits of the City in accordance with this article.

Police authorized tow: means A towing a non-consent tow and the towing of a motor vehicle upon authorization of a city police officer, rather than upon authorization of the owner or person in possession of the motor vehicle, under circumstances of stolen vehicle recovery, abandoned vehicle removal, impoundment removal authorized by law, accident or custodial arrest at which the owner or person in possession of the vehicle is incapable of making arrangements for removal of the vehicle, or any other circumstance in which a police officer authorizes the towing of a motor vehicle in connection with official duties and the owner or person in possession of the vehicle is not present or is not capable of making a determination with respect to the removal of the vehicle.

Police eChief: means Tthe eCity's eChief of pPolice or his/her designatee.

Police incident means any activity requiring police involvement exercising responsibility or authority.

Private storage lot: means Aan automobile storage facility situated within the city that conforms to the requirements of section 26-34 of this chapter.

Vehicle owner: means Tthe actual owner of the vehicle towed or transported or any driver of the vehicle who reasonably appears to have authority to operate the vehicle.

Wrecker driver: means Aan individual who drives an auto wrecker.

...

Sec. 26-3. Parking of auto wrecker at scene of accident or near wrecked or disabled vehicle.

Whenever an auto wrecker arrives at the place where a motor vehicle has been disabled by an accident, the wrecker driver shall park his/her vehicle as close to the street curb as possible and in such a manner as not to interfere with traffic. He/she shall not park his/her vehicle within ~~a distance of~~ one hundred (100) feet from a wrecked or disabled vehicle.

Sec. 26-4. Penalty.

Any person who violates a provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as prescribed by section 1-5.

Sec. 26-5. Affirmative defenses to prosecution.

- (a) It shall be an affirmative defense to prosecution under any provision of this chapter that:
- (1) The auto wrecker is owned by the vehicle owner of the vehicle being towed, carried or otherwise transported; or
 - (2) The vehicle being towed, carried or otherwise transported by the wrecker was originally picked up or loaded onto the wrecker at a specific location outside the city; or
 - (3) The motor vehicle was being towed by an auto wrecker pursuant to a request by the lienholder of the motor vehicle; that the towing was incidental to a lawful repossession of the vehicle; and that the wrecker driver has complied with all requirements of this chapter which would be applicable if the lienholder were the vehicle owner of the vehicle being towed.
- (b) It shall also be an affirmative defense to any requirement under this chapter that an auto wrecker have a permit that:
- (1) The auto wrecker is operated under a valid state registration issued under V.T.C.A., Chapter 643 of the Texas Transportation Code ~~ch. 643~~; and
 - (2) The auto wrecker owner does not have a place of business within the city; and
 - (3) The auto wrecker is not used to perform any tows within the city that are not consented to by the person having ownership or possession of the motor vehicle.

Sec. 26-6. Auto wrecker equipment.

No person shall drive or operate any auto wrecker unless it complies with the following minimum requirements:

- (a) Each wrecker shall be not less than three-quarter ton in size.
- (b) Each wrecker shall be equipped with a power winch line and boom with a factory-rated lifting capacity of not less than five thousand (5,000) pounds, single line capacity. However, a wrecker may be exempted from the requirement to have a boom in the event that there is an adequate factory-designed substitute therefor.
- ~~(c) — Each wrecker shall carry as standard equipment: towbars, safety chains, a fire extinguisher, wrecking bars, and brooms.~~
- ~~(cd)~~ Each wrecker shall carry as standard equipment: Fire extinguisher, such fire extinguisher being defined as that piece of equipment commonly carried to extinguish fires caused as a result of an auto accident or collision. Such fire extinguisher shall be standard ABC type of five-pound capacity or greater and shall be mounted within easy access to the vehicle operator. This requirement, as to type and size of the extinguisher, may be changed from time to time as determined by the fire marshal ~~lighting equipment including a double rotating amber light visible within five hundred (500) feet of a 360 degree radius.~~

- (d) Each wrecker shall carry parking flares; such parking flares being defined as that piece of equipment commonly used in motor transportation as a signal flare or light to warn of an obstruction on the highway.
- (e) All emergency auto wreckers shall be equipped with an approved towing device which is part of the emergency auto wrecker and shall have such device(s) in place at all times when towing a vehicle, to hold it rigid and prevent swaying of the towed vehicle.
- (f) A broom for the purpose of clearing the street of debris, parts or glass.
- (g) An emergency warning light device, amber in color, alternately flashing or rotating, mounted as high as possible and as far to both the left side and right side as possible, so as to be visible to the front and rear of the vehicle at all times when in operation. This warning device should be in operation from the time the emergency auto wrecker arrives at the scene until the time of departure. The warning device (amber) may be used, if necessary, from departure at the scene during travel to the storage facility, using the most expedient route. At no time shall an emergency auto wrecker display a red light to the front of the vehicle.
- (h) An extendable lighting device, capable of reaching the length of the vehicle being towed, being no less than four (4) inches in diameter per light, meeting the Department of Transportation specifications for stop and taillights. This device shall be affixed to the most rearward point of the towed vehicle and operated accordingly when the towed vehicle's lighting system is inoperable or said vehicle is towed backwards.
- (i) A container of masonry-type sand or absorbent, of no less than five (5) gallons in capacity, for the purpose of spreading over small liquid spills.
- (j) A square pointed shovel and empty container to be used as necessary for the removal of debris, spreading of sand, etc.
- (k) A set of towing dollies or tilt-type wrecker bed that will allow vehicles to be transported atop same, for the purpose of transporting vehicles that cannot otherwise be towed due to tire, axle, or wheel damage.
- (l) A two-way communications device that will enable the wrecker operator to be in constant contact with the city police dispatcher.
- (m) Heavy duty wreckers must be equipped with such device(s) necessary to provide air to air brake systems of towed vehicles, when said towed vehicle's air brakes are inoperable.
- (n) Any other equipment that may be required by any other applicable state, federal, or local laws.

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Secs. 26-8—26-10. Reserved.

ARTICLE II. PERMITS

Sec. 26-11. Permit required; presumption in prosecution for violation of permit required.

~~No person shall drive or operate or cause to be driven or operated any auto wrecker unless a current and valid permit has been issued by the city for the operation of the wrecker.~~

- (a) It shall be unlawful for any person to drive or operate or cause to be driven any auto wrecker upon any public street in the city for the purpose of towing or hauling wrecked or disabled vehicles, either for hire or as an incident to obtaining the business of storing, wrecking or repairing such wrecked or disabled vehicles, away from a police incident site or the scene of an accident where the wrecked or disabled vehicles have collided with any other vehicle or other object or which have been wrecked or disabled in any manner, without having first obtained an emergency auto wrecker permit from the city, duly issued under this chapter to such person to operate an emergency auto wrecker on the streets of the city.
- (b) In any prosecution for a violation of subsection (a) above, proof that an owner's auto wrecker, for which an emergency auto wrecker's permit has not been issued, was present at the scene of a collision or accident in which a vehicle was wrecked or disabled shall constitute prima facie evidence that such owner was operating or causing to be operated his/her auto wrecker as an unpermitted emergency auto wrecker.
- (c) It shall be an exception to the application of subsection (a) above, for an auto wrecker to tow or haul a vehicle from an accident scene or police incident site without a valid emergency auto wrecker permit if said auto wrecker was summoned by the Police Department pursuant to this chapter.

Sec. 26-12. Permit application.

- ~~(a) Each person desiring one or more auto wrecker permits shall submit an application to the police chief on a form furnished by the city. On the application, the applicant shall set forth~~Any owner desiring to operate an emergency auto wrecker in the city shall make application to the director for an emergency auto wrecker permit. Such application shall be submitted upon forms to be obtained from the City Secretary, and the applicant shall furnish the following proof and information with his/her application, which shall be sworn to before a notary public:
- (1) That the owner making application is a citizen of the United States, has attained the age of eighteen (18) years, and is able to read and write the English language
 - (2) The name and address of the applicant; if the applicant is an individual, the application shall so state. If the applicant is a partnership, the name and address of each partner shall be set out. If the applicant is a corporation, the application shall set forth:
 - a. The name and address of the corporation;
 - b. The names and addresses of the three (3) principal officers;
 - c. The name and address of each person owning twenty (20) percent or more of the interest in the corporation. If to twenty (20) percent or more of the interest in the corporation is held by an entity or entities, the applicant shall list each individual who owns twenty (20) percent or more of the interest in any such entity or entities.
 - (23) The application shall state the number of emergency auto wreckers the owner desires to operate and shall list the make, model, vehicle identification number, and correct

license number, and the Texas Department of Licensing and Regulation permit number of the auto wrecker or wreckers for which the applicant is seeking permits;

- (34) The true ownership of the auto wrecker or wreckers. If not owned outright by the applicant, the name and address of the true owner shall be given. If the auto wrecker is operated under the terms of a contract with a company other than the owner, a copy of the contract also shall be attached;
 - (45) The name and address of each employer of any person listed under item (1) above and any businesses that any person listed under such item (1) has owned, operated or been employed by in the past five (5) years immediately preceding the date of the application; and
 - (56) The date of birth, place of birth, sex, and race, and each address where the person has resided in the five (5) years immediately preceding the application for each person listed under item (1) above.
- (b) An application under this section shall be signed by the applicant. If a partnership, it shall be signed by each partner. If a corporation, it shall be signed by the president and attested by the secretary. In all cases the person signing shall execute an affidavit, on the application form, that the statements contained in such application are true and correct.
- (c) The applicant also shall provide the pPolice dDepartment with evidence that he/she will be able to comply with section 26-14 if he/she is issued a permit. Such evidence shall be in the form of an insurance certificate or other such documentation as the police chief-Director finds adequate to assure that the applicant will comply with the requirements of this chapter.

Sec. 26-13. Issuance of a permit.

The police chief-Director shall give his approval for the issuance of an auto wrecker permit for each wrecker listed on the application upon submission of an application in accordance with section 26-12 of this chapter and evidence that the applicant has complied with section 26-14 of this chapter, and so long as they are in compliance with all of the provisions hereof and all applicable federal, state, county, city laws and ordinances unless the police chief-Director finds that the permit should be denied under section 26-15 of this chapter.

Sec. 26-14. Insurance.

No permit shall be issued under this chapter unless the applicant shall procure and keep in full force and effect a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the sState bBoard of iInsurance commissioners, with the insured provisions thereof including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker by or for the applicant and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

- (a) For damages arising out of bodily injury to or death of one person in any one accident \$100,000.00 Wreckers having a gross vehicle weight of twenty-six thousand (26,000) pounds or less. Before any permit shall be issued under this chapter, the applicant or permit holder, as the case may be, shall file with the City Secretary, a Certificate of

Proof setting forth that said applicant or permit holder has in full force and effect, a policy of combined single limit coverage insurance, with limits of not less than three hundred thousand dollars (\$300,000.00) per occurrence, and a cargo, on-hook or similar type insurance with limits of not less than ten thousand dollars (\$10,000.00) per occurrence. Such policies of insurance shall be issued by an insurance company approved by the director and authorized to do business in the State of Texas.

- (b) ~~For damages arising out of bodily injury to or death of two (2) or more persons in any one accident \$300,000.00~~ Wreckers having a gross vehicle weight of twenty-six thousand one (26,001) pounds or more. Though permits issued by the City of Alvin are not required for heavy-duty wreckers, said wreckers shall have in full force and effect a policy of combined single limit coverage insurance, with limits of not less than five hundred thousand dollars (\$500,000.00) per occurrence, and a cargo on-hook or similar type insurance with limits of not less than twenty-five thousand dollars (\$25,000.00) per occurrence.

~~(c) For injury to or destruction of property in any one accident \$100,000.00~~

Sec. 26-15. Denial of permit.

An application for a wrecker permit shall be denied and no permit issued if:

- (1) Any information set out in the application is false or incomplete; or
- (2) The applicant has not met the requirements set out in section 26-14 of this chapter.

If the ~~police chief~~ Director denies approval of the issuance of a wrecker permit, he/she shall give written notice to the applicant by certified mail, return receipt requested, at the applicant's address as set out in the application. In such notice the ~~police chief~~ Director shall set out the reason or reasons the approval was denied. ~~The applicant may correct the deficiency and resubmit/supplement the application.~~

Sec. 26-16. Permit fee.

The applicant for an auto wrecker permit shall submit a nonrefundable permit fee as set forth in chapter 28 of this Code for each permit requested at the time the applicant submits the application to the ~~police chief~~ Director. ~~Permit fees for permits issued for less than a full calendar year will not be prorated. A "year" shall mean a calendar year commencing October 1.~~ Fees for permits issued for less than a full calendar year shall not be prorated.

Sec. 26-17. Payment of taxes and permit fee prior to issuance.

The applicant for a wrecker permit shall submit adequate evidence to the ~~director of finance~~ Director of Administrative Services to show that all ad valorem and other taxes arising from the operation of the auto wrecker have been paid.

Sec. 26-18. Content of permit; display requirements.

- (a) Each wrecker permit shall be dated and numbered and shall show on its face the make, model, motor number and license number of each wrecker and such permit shall be attached

at all times to the vehicle in a manner so as to permit ready inspection. Each wrecker permit shall state that the wrecker has been inspected and approved by the ~~chief of police~~ Director.

- (b) The wrecker permit number shall be permanently affixed to the door panels or on both sides of the vehicle for which issued and shall be in three-inch reflective letters.
- (c) No person shall operate or permit the operation of an auto wrecker unless the permit number is affixed thereto as provided herein.

Sec. 29-19. Expiration and renewal of permits.

- (a) All wrecker permits shall expire at midnight on the ~~thirty-first-thirtieth~~ (30th) day of ~~December-September~~ each year. To renew such permits, the applicant shall file an application for renewal on a form designated by the ~~police-chief~~ Director, setting out the information required by section 26-12, and shall pay the renewal fee. The renewal fee for all wrecker permits shall be as set forth in chapter 28 of this Code.
- (b) The permittee shall submit his/her vehicle(s) for a safety inspection at a time and place designated by the ~~police-chief~~ Director. No permit may be issued or renewed unless the ~~police-chief~~ Director has found the wrecker to meet the requirements of this chapter and applicable laws.

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Sec. 26-22. Hearing procedures for denial, revocation or nonrenewal of permit.

- (a) Upon denial of a wrecker permit, prior to revocation of a wrecker permit and at any time the city refuses to renew a wrecker permit after a proper application therefor has been filed and the renewal fee has been paid, the city shall give written notice to the applicant/permittee setting forth:
 - (1) The ground(s) upon which the city will seek revocation of the permit or the grounds upon which the city has refused to renew the permit.
 - (2) The specific violations of this chapter and/or any federal or state law or laws upon which the city will rely in seeking revocation of the permit or nonrenewal of the permit.
 - (3) That a hearing will be held on the denial of the request for the permit or renewal thereof or on the city's request to revoke the permit.
 - (4) The date, time and place of such hearing.
 - (5) That the applicant/permittee may appear in person and/or be represented by counsel, may present testimony, and may cross-examine all witnesses.
- (b) The city may seek to have a permit suspended for a period of not more than one year rather than refusing to renew the permit or seeking to have such permit revoked if the ~~chief of police~~ Director is of the opinion that the public interest will be adequately protected by a suspension rather than a revocation.
- (c) The notice required by this subsection shall be served by personal delivery or by certified mail, return receipt requested, addressed to the applicant/permittee at the address shown on the application or the most recent supplement thereto.

- (d) The hearing shall be conducted before the city council according to the following rules:
- (1) All parties shall have the right to representation by a licensed attorney although an attorney is not required;
 - (2) Each party may present witnesses on his own behalf;
 - (3) Each party has the right to cross-examine all witnesses;
 - (4) Only evidence presented before the city council at the hearing may be considered in rendering the decision.
- (e) If an applicant/permittee fails to appear at a hearing on an application for or a refusal to renew a wrecker permit, the application or renewal shall be denied. If a permittee fails to appear at a hearing on a request by the city to revoke a permit, the city shall present sufficient evidence to establish a prima facie case showing grounds for revocation.
- (f) If after a hearing on an application for a wrecker permit the council finds that grounds exist for denial of a permit, nonrenewal of a permit or revocation of a permit, the city attorney shall give written notice by certified mail, return receipt requested, to the applicant of the decision made by the council. If the council finds that grounds do not exist for the denial of a permit, it shall be issued. If the council finds that grounds do not exist for revocation of a permit, the permit shall remain in effect.
- (g) If the director finds from his/her hearing and investigation that public convenience and necessity does not exist for the operation of the vehicle or vehicles as applied for, the director shall notify the applicant in writing within fifteen (15) days from the last day of the hearing. An applicant who has been denied a permit by the director or by the City Council on appeal shall not be permitted to make another application for a permit within a period of one (1) year from the date of their prior application.

Secs. 26-23—26-30. Reserved.

ARTICLE III. POLICE-AUTHORIZED TOWS

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Sec. 26-32. Wrecker selection form.

The ~~chief of police~~ Director shall cause a wrecker selection/acceptance form to be prepared which shall contain the following minimum information:

- (a) A statement by the driver of the vehicle designating in blank spaces therein the wrecker company which ~~he~~ the driver desires to remove the vehicle.
- (b) A statement authorizing any police officer to call the designated wrecker company to remove the vehicle.
- (c) A statement in the alternative that the driver has no preference as to a wrecker company and authorizing any police officer to call the wrecker company next in line on the wrecker rotation list maintained at police ~~headquarters~~ dispatch, and a statement that ~~he~~ the driver

desires the vehicle to be removed to the place designated by ~~him~~the driver in a blank space on the form.

- (d) A space for signature of the driver of the vehicle.
- (e) A complete description of the vehicle to be removed.
- (f) A physical inventory of the vehicle and contents prior to impoundment.
- (g) If the director finds from his/her hearing and investigation that public convenience and necessity does not exist for the operation of the vehicle or vehicles as applied for, the director shall notify the applicant in writing within fifteen (15) days from the last day of the hearing. An applicant who has been denied a permit by the director or by the City Council on appeal shall not be permitted to make another application for a permit within a period of one (1) year from the date of their prior application.

Sec. 26-33. Procedures for selection form.

- (a) ~~When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the driver thereof is physically unable to drive such vehicle, such officer shall request the driver to designate, on the wrecker selection/acceptance form described in section 26-32, the wrecker company the driver desires to remove the vehicle. Such designation by the driver shall be indicated on the form by writing in the blank space provided the name of the company selected and the form, when completed, shall be signed by the driver. The police officer shall give a copy of the selection/acceptance form to the vehicle driver, one copy to the wrecker driver and shall retain for the police department files the original thereof. Upon leaving duty on the same day, the police officer shall place such original in a well bound book in the police department provided for that purpose. When the driver has designated the wrecker company desired, the police officer shall communicate the fact immediately to the police department headquarters, and the officer receiving such information at headquarters shall call the designated company to send a wrecker to the scene of the accident or collision. In the event that the designated company has not responded with a wrecker within thirty (30) minutes of the call, then, and in that event, the officer at headquarters shall call the next person on the rotation list. When during a police incident, an officer determines a vehicle requires a police-authorized tow, a wrecker selection/inventory form will be completed by the officer. Provided the driver is not incapacitated due to injury, intoxication, or other factor, the officer shall request the driver to designate a permitted wrecker service to tow the vehicle. If provided, the officer will request the designated service through dispatch. If the driver provides no preference, the officer shall request the next permitted wrecker service on the rotation list.~~
- (b) ~~In the event that the driver of a vehicle which has been involved in a collision or accident upon a public street is, due to injury or incapacity or intoxication or similar circumstances, unable or unwilling to sign the selection/acceptance form, then, and in that event, the police officer shall so note on the form. The police officer shall then call police headquarters and the police officer/dispatcher shall call the person next in line on the rotation list. Upon completion of the form, it shall be signed by the driver (unless incapacitated or in custody).~~

The form shall also be signed by the wrecker driver. One copy of the completed form shall be provided to the driver, one copy shall be provided to the wrecker driver, one copy shall be provided to dispatch for reference as directed by Police Department policy.

- (c) In the event a requested wrecker has not arrived at the scene with a wrecker within thirty (30) minutes of the call, the officer shall request the next wrecker service on the rotation list through police dispatch.

Sec. 26-34. Storage lot requirements for police authorized tows.

Police authorized heavy-duty tow must be delivered to a storage facility as described in Sec 26-48.

All other police-authorized tows must be delivered to a storage lot within the city that conforms to the following:

- (1) The area must be either continuously attended or securely locked if unattended;
- (2) The area must contain a secure inside storage facility capable of housing at least two (2) impounded vehicles under lock;
- (3) The area must be located with frontage on either a state highway or a street which has a pavement width of at least thirty-six (36) feet for three hundred (300) feet on either side of each storage lot entrance;
- (4) The area (including any area in which vehicles are stored) must be completely enclosed by a fence of a minimum height of six (6) feet and made of one of the following materials: ~~chain link with slats inserted for obstruction of view~~; decorative wood or masonry as set out in section 24½-79 of this Code; or painted twenty-six (26) gauge steel panels (new) with a minimum of eighty thousand (80,000) p.s.i. (yield strength). A chain link entrance gate maybe installed at the storage lot. Prior to constructing a painted twenty-six (26) gauge steel ~~panelled~~paneled fence, the wrecker company shall submit its plans and drawings to the city's inspection division for review and approval. The construction plans for the twenty-six (26) gauge steel ~~panelled~~paneled fence shall include the specifications for the fence materials. The construction plan for the twenty-six (26) gauge steel ~~panelled~~paneled fence shall include the specifications for the fence material. The design of the construction of the twenty-six (26) gauge steel ~~panelled~~paneled fence must achieve a 100-mph wind load.

A permittee shall be allowed to deliver police-authorized tows to a storage lot leased by the permittee so long as the storage lot conforms to the requirements of this section, is located within the city and the lease agreement extends for a period commensurate with the wrecker permit(s). A copy of the lease agreement must be provided to the ~~p~~Police ~~d~~Department. If at any time the permittee's lease is terminated during the permit period, then the permittee's name shall be removed from the rotation list until such time that satisfactory evidence is provided to the ~~police~~ chiefDirector that the permittee owns or has acquired the right to use a storage lot in conformity with the requirements of this section.

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Sec. 26-36. Duty of ~~Auto~~-wrecker driver, to ~~clean up accident scene~~ clear street of debris, glass, etc.

It shall be the duty of the driver of each auto wrecker that picks up a wrecked or disabled vehicle for the purpose of towing the same to clear the street of any and all debris, parts or glass and to remove such from the scene. In the event two (2) or more auto wreckers pick up vehicles for towing, it shall be the duty of each driver to clear the street of debris, parts or glass. The driver(s) of the emergency auto wreckers indicated in this section shall not leave the scene of the accident until full compliance with the provisions of this section has been made.

Secs. 26-37—26-45. Reserved.

ARTICLE IV. NON-CONSENT HEAVY DUTY TOWS

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Sec. 26-47. Fees.

- (a) ~~The maximum charges that an auto wrecker company may charge for a heavy duty non-consent tow shall be as follows:~~ Established. The director shall establish a fee schedule that encompasses all fees for police tows, and wrecker companies may not add additional fees. The rates charged for wrecker services and storage of towed vehicles shall be set by the director (with approval from the city manager), in accordance with rates set by the State of Texas and in addition to comparable rates of the region and shall be subject to change from time to time as warranted. Wrecker companies must notify the owner(s) or nearest adult relative of the towed vehicle, by telephone within twenty-four (24) hours and in written form by certified mail within ten (10) days of the time of pick up, advising said persons(s) of the storage address of said vehicle and the storage rate, as well as the wrecker company's telephone number.

(1) ~~For a heavy duty wrecker performing non-consent tows, where the services of a heavy duty wrecker are required, shall not exceed one hundred fifty dollars (\$150.00) per hour, with a one-hour minimum. In no event shall more than a three-hour maximum be charged. The time shall begin at the time of dispatch and end when the vehicle is delivered to the vehicle storage facility or designated location.~~

- (b) ~~All charges shall be listed on the auto wrecker's invoice and the permit holder shall maintain, at the permit holder's place of business, copies of all invoices pertaining to heavy duty non-consent towing services for a period of two (2) years from the invoice date. Every invoice required to be kept under this section shall contain the towed vehicle's description by make, model, year, license number, and name of the wrecker driver in addition to charges incurred. Every invoice for a heavy duty non-consent tow shall include the above information along with the name, address, and phone number of the person authorizing the tow, and the reason the vehicle was towed, and the name, street address, and telephone number where the vehicle was taken for storage. Notice of charge to customer. Emergency auto wrecker operators must provide a written copy of authorized rates and charges to the owner or operator of a vehicle that is being towed, unless said vehicle owner or operator is incapacitated for any reason.~~

~~(c) If the owner or operator of a vehicle which is parked in violation of this Code or state law arrives before the vehicle is removed from the property, a towing company shall release the vehicle at the scene for a fee not to exceed the maximum fee for a non-consent tow.~~

~~(d) — In no way is subsection (a) above to be construed to mean that a towing company may not charge less than the fees stated. These fees are the maximum that can be charged for any towing of a vehicle in accordance with this article.~~

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Sec. 26-49. ~~Violation; penalties.~~ Inspection of wreckers and storage facilities

- ~~(a) Any person who violates any provision in this article, for which a specific penalty is not provided, shall be guilty of a misdemeanor and upon conviction may be punished by a fine as prescribed by section 1-5. An inspection official designated by the director shall set appointments with the emergency auto wrecker company, in or about the month of September of each year, for the purpose of inspecting the storage facilities and emergency auto wreckers used by each wrecker company to ensure that all requirements are met before a new permit is issued. All appointments for inspection are to be set by the reasonable discretion of the inspector. All requirements shall be met and approved by the inspector.~~
- ~~(b) Any person who violates subsections 26-46(a) or (b) may be punished by a fine of not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00) per violation in accordance with V.T.C.A., Transportation Code, ch. 643. Each act of violation and each day in which a violation is permitted to continue shall constitute a separate offense. Periodic inspections of the permitted wreckers and their storage facilities may be made at any time during the year that the emergency auto wrecker permit is in effect. This is done to ensure compliance with all sections of this chapter. The inspection of storage facilities may occur at any reasonable hour. Wreckers may be inspected at any time during normal business hours or during any time of operation.~~
- ~~(c) Wreckers found in violation of the requirements of this chapter may be subject to immediate forfeiture of said permit and the owner and/or operator may be subject to citation by either the Police Department or the inspection official.~~

Sec. 26-50. Wrecker driver qualifications.

No person shall operate or drive any auto wrecker or emergency auto wrecker, whether on his/her own account or in the employ of another, except in compliance with the following standards and conditions, to wit:

- (1) All wrecker drivers must be eighteen (18) years of age or older and must not have been convicted of any felony, theft, or crime of moral turpitude.
- (2) All wrecker drivers must possess a current, valid, and appropriate driver's license which has been duly issued to him/her by the Texas Department of Public Safety.
- (3) All permit holders must provide evidence that their drivers are covered by the certificate of insurance required in section 26-14.

Sec. 26-51. - Solicitation of business on streets of city prohibited; presumption of violation.

- (a) No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle "wrecked, disabled or picked up from a police incident site," on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing said vehicle.
- (b) Proof of the presence of any person engaged in the wrecker business or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the wrecker business either as owner, operator, employee, or agent, on any public street in the city, at or within two hundred (200) feet of the scene of a wreck, accident or collision, shall be prima facie evidence of a solicitation in violation of this section.

Sec. 26.52. – Choice of wrecker service.

- (a) Police shall not solicit, recommend or influence choice; authorized to direct tow to police station. No police officer, investigating or present at the scene of any wreck, accident, collision, or police incident shall directly or indirectly either by word, gesture, sign or otherwise, recommend to any person, the name of any particular owner engaged in the wrecker services or repair business, nor shall any such police officer influence or attempt to influence in any manner the decision of any person choosing or selecting a wrecker or repair service.
- (b) Dispositions of vehicles. The Police Department may move a vehicle from the scene of an accident or remove a vehicle whose driver is under arrest.
- (c) Right of owner to request. The owner or driver of a wrecked auto or the arrested owner or driver at a police incident site has the right to request, through the investigating officer, a particular wrecker service, provided that: the wrecker service requested has a valid auto wrecker permit issued by the State of Texas; that said wrecker service can respond to the incident in a reasonable amount of time; and the vehicle is not subject to police impound for evidence carrying purposes.

Sec. 26-53. - Immediate storage of towed vehicles required; exceptions.

All vehicles picked up by an emergency auto wrecker shall immediately be taken to the permit holder's approved storage area, unless authorization to take the vehicle to another location is received from the Police Department, or in the absence of a police impound or hold, by written authorization of the owner or operator of the vehicle.

Sec. 26-54. - Hours storage facility open for receiving, releasing vehicles.

The holder of an emergency auto wrecker permit shall be responsible for maintaining and operating the storage facility so that vehicles may be received and released twenty-four (24) hours per day.

Sec. 26-55. – Officers authorized to remove illegally parked, abandoned or disabled vehicles.

(a) Officers of the City Police Department or investigating law enforcement agencies are hereby authorized to remove a vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency, of which the officer is a member, under the circumstances hereinafter enumerated:

- (1) When any vehicle is illegally parked so as to block the entrance to any private driveway, and it is impractical to move such vehicle from in front of the driveway to another point on the highway or street;
- (2) When any vehicle is found upon a highway or street and a report has previously been made that such vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled;
- (3) When any such officer has reasonable grounds to believe that any vehicle has been abandoned;
- (4) When a vehicle upon a highway or street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle; or
- (5) When an officer arrests any person driving or in control of the vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate.

(b) Any officer is hereby authorized to remove any vehicle parked or standing in or on any portion of a roadway when in the opinion of the said officer the vehicle constitutes a hazard; or interferes with a normal function of a governmental agency; or by reason of any catastrophe, emergency or unusual circumstances the safety of said vehicle or others is imperiled.

(c) Any member of the city fire marshal's office is hereby authorized to have a vehicle removed that is parked in such a manner as to violate the city's fire ordinance or interferes with the response to any incident.

Sec. 26-~~49~~56. - Violation; penalties.

- (a) Any person who violates any provision in this article, for which a specific penalty is not provided, shall be guilty of a misdemeanor and upon conviction may be punished by a fine as prescribed by section 1-5.
- (b) Any person who violates subsections 26-46(a) or (b) may be punished by a fine of not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00) per violation in accordance with V.T.C.A., Chapter 643 of the Texas Transportation Code, ~~ch. 643~~. Each act of violation and each day in which a violation is permitted to continue shall constitute a separate offense.

Section 2. That except as amended herein all other provisions of Chapter 26 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any

conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-DD

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 26, WRECKERS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. PERMITS, ARTICLE III. POLICE-AUTHORIZED TOWS, AND ARTICLE IV. NON-CONSENT HEAVY DUTY TOWS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 26, Wreckers, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

ARTICLE I. – IN GENERAL

Sec. 26-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Accident means a situation where one or more motor vehicles has collided with any other motor vehicle, pedestrian, animal, road debris, or other stationary object.

Auto wrecker means any automobile, truck or other vehicle used for the purpose of towing, carrying, pushing or otherwise transporting any motor vehicle, from one place to another for any purpose of wrecking, storing, or repairing the vehicle. The term "auto wrecker" shall not be constructed to include a service car or other vehicle not equipped with mechanical devices for transporting disabled vehicles and not used for such purposes, such as service cars equipped with compressed air containers and tools for performing minor repairs not involving towing or transportation of disabled vehicles. This exception shall not authorize evasion of this chapter, and if any vehicle, although not equipped with devices primarily used for towing vehicles through means of ropes, chains or otherwise, the same shall be considered in violation of this chapter. An auto wrecker can pick up vehicles for mechanical repair and body shop work and haul vehicles for any dealer as long as it does not appear at an accident scene, or police incident

site. An auto wrecker towing a vehicle within the city limits of Alvin, Texas, shall comply with all state and federal regulations governing said auto wrecker(s).

Consent tow means any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a peace officer investigating a traffic accident or a law enforcement incident that involves the vehicle.

Custodial arrest means a situation where a peace officer employed by the city takes the operator/owner of a motor vehicle into custody and determines that it is necessary to cause the person's vehicle to be removed from the scene for storage or for use in a criminal investigation.

Director means the Chief of Police who shall administer the rules and regulations set forth by this chapter. The Director shall report to the City Manager.

Emergency auto wrecker means an auto wrecker having a gross vehicle weight of twenty-six thousand (26,000) pounds or less, which holds a valid emergency auto wrecker permit from the city, and which lawfully appears at the scene of an accident or other police incident for the purpose or in expectation of towing, removing, or hauling away a vehicle from the scene of an accident or police incident site.

Heavy-duty wrecker means an auto wrecker having a gross vehicle weight of twenty-six thousand one (26,001) pounds or more. A heavy-duty wrecker shall not operate as an emergency wrecker, but may operate as a private wrecker, contracted by the owner(s)/operator(s) or the city to tow a heavy disabled, wrecked, or illegally parked vehicle. Heavy-duty wreckers shall be required to have all safety devices, warning equipment, etc., as outlined in section 26-7 of this chapter.

Motor vehicle means a vehicle subject to the registration requirements of the Texas Transportation Code Chapter 501, or any other device designed to be self-propelled or transported on a public highway

Non-Consent tow means any tow of a motor vehicle that is not a consent tow, including the tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene, or Any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle.

Owner means where used in connection with the person(s) issued a permit under this chapter, shall be construed to mean any person, or his/her agent, engaged in the business of storing, wrecking, or repairing motor vehicles for hire and who owns or is entitled to operate any auto wrecker or emergency auto wrecker, and who uses the same in the conduct of his/her business or any part thereof, and the term "owner" shall extend and be applied to associations, corporations, firms, and partnerships, as well as individuals.

Permit means a permit to be issued annually by the City, which authorizes the permit holder thereof to answer calls from the Police Department or police-authorized tows pursuant to a police-authorized tow agreement and non-consent tows.

Permit holder means any person, business, corporation, limited liability company, limited liability partnership, partnership, or other entity created by the state of Texas or any other state,

which has been issued a valid wrecker service permit from the City authorizing performance of non-consent tows within the corporate limits of the City in accordance with this article.

Police authorized tow means a non-consent tow and the towing of a motor vehicle upon authorization of a city police officer, rather than upon authorization of the owner or person in possession of the motor vehicle, under circumstances of stolen vehicle recovery, abandoned vehicle removal, impoundment removal authorized by law, accident or custodial arrest at which the owner or person in possession of the vehicle is incapable of making arrangements for removal of the vehicle, or any other circumstance in which a police officer authorizes the towing of a motor vehicle in connection with official duties and the owner or person in possession of the vehicle is not present or is not capable of making a determination with respect to the removal of the vehicle.

Police Chief means the City's Chief of Police or his/her designee.

Police incident means any activity requiring police involvement exercising responsibility or authority.

Private storage lot means an automobile storage facility situated within the city that conforms to the requirements of section 26-34 of this chapter.

Vehicle owner means the actual owner of the vehicle towed or transported or any driver of the vehicle who reasonably appears to have authority to operate the vehicle.

Wrecker driver means any individual who drives an auto wrecker.

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Sec. 26-3. Parking of auto wrecker at scene of accident or near wrecked or disabled vehicle.

Whenever an auto wrecker arrives at the place where a motor vehicle has been disabled by an accident, the wrecker driver shall park his/her vehicle as close to the street curb as possible and in such a manner as not to interfere with traffic. He/she shall not park his/her vehicle within one hundred (100) feet from a wrecked or disabled vehicle.

Sec. 26-4. Penalty.

Any person who violates a provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as prescribed by section 1-5.

Sec. 26-5. Affirmative defenses to prosecution.

(a) It shall be an affirmative defense to prosecution under any provision of this chapter that:

- (1) The auto wrecker is owned by the vehicle owner of the vehicle being towed, carried or otherwise transported; or
- (2) The vehicle being towed, carried or otherwise transported by the wrecker was originally picked up or loaded onto the wrecker at a specific location outside the city; or
- (3) The motor vehicle was being towed by an auto wrecker pursuant to a request by the lienholder of the motor vehicle; that the towing was incidental to a lawful repossession of the vehicle; and that the wrecker driver has complied with all requirements of this chapter

which would be applicable if the lienholder were the vehicle owner of the vehicle being towed.

- (b) It shall also be an affirmative defense to any requirement under this chapter that an auto wrecker have a permit that:
 - (1) The auto wrecker is operated under a valid state registration issued under Chapter 643 of the Texas Transportation Code; and
 - (2) The auto wrecker owner does not have a place of business within the city; and
 - (3) The auto wrecker is not used to perform any tows within the city that are not consented to by the person having ownership or possession of the motor vehicle.

Sec. 26-6. Auto wrecker equipment.

No person shall drive or operate any auto wrecker unless it complies with the following minimum requirements:

- (a) Each wrecker shall be not less than three-quarter ton in size.
- (b) Each wrecker shall be equipped with a power winch line and boom with a factory-rated lifting capacity of not less than five thousand (5,000) pounds, single line capacity. However, a wrecker may be exempted from the requirement to have a boom in the event that there is an adequate factory-designed substitute therefor.
- (c) Each wrecker shall carry as standard equipment: Fire extinguisher, such fire extinguisher being defined as that piece of equipment commonly carried to extinguish fires caused as a result of an auto accident or collision. Such fire extinguisher shall be standard ABC type of five-pound capacity or greater and shall be mounted within easy access to the vehicle operator. This requirement, as to type and size of the extinguisher, may be changed from time to time as determined by the fire marshal
- (d) Each wrecker shall carry parking flares; such parking flares being defined as that piece of equipment commonly used in motor transportation as a signal flare or light to warn of an obstruction on the highway.
- (e) All emergency auto wreckers shall be equipped with an approved towing device which is part of the emergency auto wrecker and shall have such device(s) in place at all times when towing a vehicle, to hold it rigid and prevent swaying of the towed vehicle.
- (f) A broom for the purpose of clearing the street of debris, parts or glass.
- (g) An emergency warning light device, amber in color, alternately flashing or rotating, mounted as high as possible and as far to both the left side and right side as possible, so as to be visible to the front and rear of the vehicle at all times when in operation. This warning device should be in operation from the time the emergency auto wrecker arrives at the scene until the time of departure. The warning device (amber) may be used, if necessary, from departure at the scene during travel to the storage facility, using the most expedient route. At no time shall an emergency auto wrecker display a red light to the front of the vehicle.
- (h) An extendable lighting device, capable of reaching the length of the vehicle being towed, being no less than four (4) inches in diameter per light, meeting the Department of Transportation specifications for stop and taillights. This device shall be affixed to the most

rearward point of the towed vehicle and operated accordingly when the towed vehicle's lighting system is inoperable or said vehicle is towed backwards.

- (i) A container of masonry-type sand or absorbent, of no less than five (5) gallons in capacity, for the purpose of spreading over small liquid spills.
- (j) A square pointed shovel and empty container to be used as necessary for the removal of debris, spreading of sand, etc.
- (k) A set of towing dollies or tilt-type wrecker bed that will allow vehicles to be transported atop same, for the purpose of transporting vehicles that cannot otherwise be towed due to tire, axle, or wheel damage.
- (l) A two-way communications device that will enable the wrecker operator to be in constant contact with the city police dispatcher.
- (m) Heavy duty wreckers must be equipped with such device(s) necessary to provide air to air brake systems of towed vehicles, when said towed vehicle's air brakes are inoperable.
- (n) Any other equipment that may be required by any other applicable state, federal, or local laws.

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Secs. 26-8—26-10. Reserved.

ARTICLE II. PERMITS

Sec. 26-11. Permit required; presumption in prosecution for violation of permit required.

- (a) It shall be unlawful for any person to drive or operate or cause to be driven any auto wrecker upon any public street in the city for the purpose of towing or hauling wrecked or disabled vehicles, either for hire or as an incident to obtaining the business of storing, wrecking or repairing such wrecked or disabled vehicles, away from a police incident site or the scene of an accident where the wrecked or disabled vehicles have collided with any other vehicle or other object or which have been wrecked or disabled in any manner, without having first obtained an emergency auto wrecker permit from the city, duly issued under this chapter to such person to operate an emergency auto wrecker on the streets of the city.
- (b) In any prosecution for a violation of subsection (a) above, proof that an owner's auto wrecker, for which an emergency auto wrecker's permit has not been issued, was present at the scene of a collision or accident in which a vehicle was wrecked or disabled shall constitute prima facie evidence that such owner was operating or causing to be operated his/her auto wrecker as an unpermitted emergency auto wrecker.
- (c) It shall be an exception to the application of subsection (a) above, for an auto wrecker to tow or haul a vehicle from an accident scene or police incident site without a valid emergency auto wrecker permit if said auto wrecker was summoned by the Police Department pursuant to this chapter.

Sec. 26-12. Permit application.

- (a) Any owner desiring to operate an emergency auto wrecker in the city shall make application to the director for an emergency auto wrecker permit. Such application shall be submitted

upon forms to be obtained from the City Secretary, and the applicant shall furnish the following proof and information with his/her application, which shall be sworn to before a notary public:

- (1) That the owner making application is a citizen of the United States, has attained the age of eighteen (18) years, and is able to read and write the English language
 - (2) The name and address of the applicant; if the applicant is an individual, the application shall so state. If the applicant is a partnership, the name and address of each partner shall be set out. If the applicant is a corporation, the application shall set forth:
 - a. The name and address of the corporation;
 - b. The names and addresses of the three (3) principal officers;
 - c. The name and address of each person owning twenty (20) percent or more of the interest in the corporation. If to twenty (20) percent or more of the interest in the corporation is held by an entity or entities, the applicant shall list each individual who owns twenty (20) percent or more of the interest in any such entity or entities.
 - (3) The application shall state the number of emergency auto wreckers the owner desires to operate and shall list the make, model, vehicle identification number, correct license number, and the Texas Department of Licensing and Regulation permit number of the auto wrecker or wreckers for which the applicant is seeking permits;
 - (4) The true ownership of the auto wrecker or wreckers. If not owned outright by the applicant, the name and address of the true owner shall be given. If the auto wrecker is operated under the terms of a contract with a company other than the owner, a copy of the contract also shall be attached;
 - (5) The name and address of each employer of any person listed under item (1) above and any businesses that any person listed under such item (1) has owned, operated or been employed by in the past five (5) years immediately preceding the date of the application; and
 - (6) The date of birth, sex, and race, for each person listed under item (1) above.
- (b) An application under this section shall be signed by the applicant. If a partnership, it shall be signed by each partner. If a corporation, it shall be signed by the president and attested by the secretary. In all cases the person signing shall execute an affidavit, on the application form, that the statements contained in such application are true and correct.
- (c) The applicant also shall provide the Police Department with evidence that he/she will be able to comply with section 26-14 if he/she is issued a permit. Such evidence shall be in the form of an insurance certificate or other such documentation as the Director finds adequate to assure that the applicant will comply with the requirements of this chapter.

Sec. 26-13. Issuance of a permit.

The Director shall give his approval for the issuance of an auto wrecker permit for each wrecker listed on the application upon submission of an application in accordance with section 26-12 of this chapter and evidence that the applicant has complied with section 26-14 of this chapter, and so long as they are in compliance with all of the provisions hereof and all applicable federal,

state, county, city laws and ordinances unless the Director finds that the permit should be denied under section 26-15 of this chapter.

Sec. 26-14. Insurance.

No permit shall be issued under this chapter unless the applicant procure and keep in full force and effect a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the State Board of Insurance commissioners, with the insured provisions thereof including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker by or for the applicant and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

- (a) *Wreckers having a gross vehicle weight of twenty-six thousand (26,000) pounds or less.* Before any permit shall be issued under this chapter, the applicant or permit holder, as the case may be, shall file with the City Secretary, a Certificate of Proof setting forth that said applicant or permit holder has in full force and effect, a policy of combined single limit coverage insurance, with limits of not less than three hundred thousand dollars (\$300,000.00) per occurrence, and a cargo, on-hook or similar type insurance with limits of not less than ten thousand dollars (\$10,000.00) per occurrence. Such policies of insurance shall be issued by an insurance company approved by the director and authorized to do business in the State of Texas.
- (b) *Wreckers having a gross vehicle weight of twenty-six thousand one (26,001) pounds or more.* Though permits issued by the City of Alvin are not required for heavy-duty wreckers, said wreckers shall have in full force and effect a policy of combined single limit coverage insurance, with limits of not less than five hundred thousand dollars (\$500,000.00) per occurrence, and a cargo on-hook or similar type insurance with limits of not less than twenty-five thousand dollars (\$25,000.00) per occurrence.

Sec. 26-15. Denial of permit.

An application for a wrecker permit shall be denied and no permit issued if:

- (1) Any information set out in the application is false or incomplete; or
- (2) The applicant has not met the requirements set out in section 26-14 of this chapter.

If the Director denies approval of the issuance of a wrecker permit, he/she shall give written notice to the applicant by certified mail, return receipt requested, at the applicant's address as set out in the application. In such notice the Director shall set out the reason or reasons the approval was denied.

Sec. 26-16. Permit fee.

The applicant for an auto wrecker permit shall submit a nonrefundable permit fee as set forth in chapter 28 of this Code for each permit requested at the time the applicant submits the application to the Director. A "year" shall mean a calendar year commencing October 1. Fees for permits issued for less than a full calendar year shall not be prorated.

Sec. 26-17. Payment of taxes and permit fee prior to issuance.

The applicant for a wrecker permit shall submit adequate evidence to the Director of Administrative Services to show that all ad valorem and other taxes arising from the operation of the auto wrecker have been paid.

Sec. 26-18. Content of permit; display requirements.

- (a) Each wrecker permit shall be dated and numbered and shall show on its face the make, model, motor number and license number of each wrecker and such permit shall be attached at all times to the vehicle in a manner so as to permit ready inspection. Each wrecker permit shall state that the wrecker has been inspected and approved by the Director.
- (b) The wrecker permit number shall be permanently affixed to the door panels or on both sides of the vehicle for which issued and shall be in three-inch reflective letters.
- (c) No person shall operate or permit the operation of an auto wrecker unless the permit number is affixed thereto as provided herein.

Sec. 29-19. Expiration and renewal of permits.

- (a) All wrecker permits shall expire at midnight on the thirtieth (30th) day of September each year. To renew such permits, the applicant shall file an application for renewal on a form designated by the Director, setting out the information required by section 26-12, and shall pay the renewal fee. The renewal fee for all wrecker permits shall be as set forth in chapter 28 of this Code.
- (b) The permittee shall submit his/her vehicle(s) for a safety inspection at a time and place designated by the Director. No permit may be issued or renewed unless the Director has found the wrecker to meet the requirements of this chapter and applicable laws.

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Sec. 26-22. Hearing procedures for denial, revocation or nonrenewal of permit.

- (a) Upon denial of a wrecker permit, prior to revocation of a wrecker permit and at any time the city refuses to renew a wrecker permit after a proper application therefor has been filed and the renewal fee has been paid, the city shall give written notice to the applicant/permittee setting forth:
 - (1) The ground(s) upon which the city will seek revocation of the permit or the grounds upon which the city has refused to renew the permit.
 - (2) The specific violations of this chapter and/or any federal or state law or laws upon which the city will rely in seeking revocation of the permit or nonrenewal of the permit.
 - (3) That a hearing will be held on the denial of the request for the permit or renewal thereof or on the city's request to revoke the permit.
 - (4) The date, time and place of such hearing.
 - (5) That the applicant/permittee may appear in person and/or be represented by counsel, may present testimony, and may cross-examine all witnesses.
- (b) The city may seek to have a permit suspended for a period of not more than one year rather than refusing to renew the permit or seeking to have such permit revoked if the Director is of the opinion that the public interest will be adequately protected by a suspension rather than a revocation.

- (c) The notice required by this subsection shall be served by personal delivery or by certified mail, return receipt requested, addressed to the applicant/permittee at the address shown on the application or the most recent supplement thereto.
- (d) The hearing shall be conducted before the city council according to the following rules:
 - (1) All parties shall have the right to representation by a licensed attorney although an attorney is not required;
 - (2) Each party may present witnesses on his own behalf;
 - (3) Each party has the right to cross-examine all witnesses;
 - (4) Only evidence presented before the city council at the hearing may be considered in rendering the decision.
- (e) If an applicant/permittee fails to appear at a hearing on an application for or a refusal to renew a wrecker permit, the application or renewal shall be denied. If a permittee fails to appear at a hearing on a request by the city to revoke a permit, the city shall present sufficient evidence to establish a prima facie case showing grounds for revocation.
- (f) If after a hearing on an application for a wrecker permit the council finds that grounds exist for denial of a permit, nonrenewal of a permit or revocation of a permit, the city attorney shall give written notice by certified mail, return receipt requested, to the applicant of the decision made by the council. If the council finds that grounds do not exist for the denial of a permit, it shall be issued. If the council finds that grounds do not exist for revocation of a permit, the permit shall remain in effect.
- (g) If the director finds from his/her hearing and investigation that public convenience and necessity does not exist for the operation of the vehicle or vehicles as applied for, the director shall notify the applicant in writing within fifteen (15) days from the last day of the hearing. An applicant who has been denied a permit by the director or by the City Council on appeal shall not be permitted to make another application for a permit within a period of one (1) year from the date of their prior application.

Secs. 26-23—26-30. Reserved.

ARTICLE III. POLICE-AUTHORIZED TOWS

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Sec. 26-32. Wrecker selection form.

The Director shall cause a wrecker selection/acceptance form to be prepared which shall contain the following minimum information:

- (a) A statement by the driver of the vehicle designating in blank spaces therein the wrecker company which the driver desires to remove the vehicle.
- (b) A statement authorizing any police officer to call the designated wrecker company to remove the vehicle.
- (c) A statement in the alternative that the driver has no preference as to a wrecker company and authorizing any police officer to call the wrecker company next in line on the wrecker rotation list maintained at police dispatch, and a statement that the driver desires the vehicle to be removed to the place designated by the driver in a blank space on the form.

- (d) A space for signature of the driver of the vehicle.
- (e) A complete description of the vehicle to be removed.
- (f) A physical inventory of the vehicle and contents prior to impoundment.
- (g) If the director finds from his/her hearing and investigation that public convenience and necessity does not exist for the operation of the vehicle or vehicles as applied for, the director shall notify the applicant in writing within fifteen (15) days from the last day of the hearing. An applicant who has been denied a permit by the director or by the City Council on appeal shall not be permitted to make another application for a permit within a period of one (1) year from the date of their prior application.

Sec. 26-33. Procedures for selection form.

- (a) When during a police incident, an officer determines a vehicle requires a police-authorized tow, a wrecker selection/inventory form will be completed by the officer. Provided the driver is not incapacitated due to injury, intoxication, or other factor, the officer shall request the driver to designate a permitted wrecker service to tow the vehicle, If provided, the officer will request the designated service through dispatch. If the driver provides no preference, the officer shall request the next permitted wrecker service on the rotation list.
- (b) Upon completion of the form, it shall be signed by the driver (unless incapacitated or in custody). The form shall also be signed by the wrecker driver. One copy of the completed form shall be provided to the driver, one copy shall be provided to the wrecker driver, one copy shall be provided to dispatch for reference as directed by Police Department policy.
- (c) In the event a requested wrecker has not arrived at the scene with a wrecker within thirty (30) minutes of the call, the officer shall request the next wrecker service on the rotation list through police dispatch.

Sec. 26-34. Storage lot requirements for police authorized tows.

Police authorized heavy-duty tow must be delivered to a storage facility as described in Sec 26-48.

All other police-authorized tows must be delivered to a storage lot within the city that conforms to the following:

- (1) The area must be either continuously attended or securely locked if unattended;
- (2) The area must contain a secure inside storage facility capable of housing at least two (2) impounded vehicles under lock;
- (3) The area must be located with frontage on either a state highway or a street which has a pavement width of at least thirty-six (36) feet for three hundred (300) feet on either side of each storage lot entrance;
- (4) The area (including any area in which vehicles are stored) must be completely enclosed by a fence of a minimum height of six (6) feet and made of one of the following materials: decorative wood or masonry as set out in section 24½-79 of this Code; or painted twenty-six (26) gauge steel panels (new) with a minimum of eighty thousand (80,000) p.s.i. (yield strength). A chain link entrance gate maybe installed at the storage lot. Prior to constructing a painted twenty-six (26) gauge steel paneled fence, the wrecker company shall submit its

plans and drawings to the city's inspection division for review and approval. The construction plans for the twenty-six (26) gauge steel paneled fence shall include the specifications for the fence materials. The construction plan for the twenty-six (26) gauge steel paneled fence shall include the specifications for the fence material. The design of the construction of the twenty-six (26) gauge steel paneled fence must achieve a 100-mph wind load.

A permittee shall be allowed to deliver police-authorized tows to a storage lot leased by the permittee so long as the storage lot conforms to the requirements of this section, is located within the city and the lease agreement extends for a period commensurate with the wrecker permit(s). A copy of the lease agreement must be provided to the Police Department. If at any time the permittee's lease is terminated during the permit period, then the permittee's name shall be removed from the rotation list until such time that satisfactory evidence is provided to the Director that the permittee owns or has acquired the right to use a storage lot in conformity with the requirements of this section.

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Sec. 26-36. Duty of wrecker driver, to clear street of debris, glass, etc.

It shall be the duty of the driver of each auto wrecker that picks up a wrecked or disabled vehicle for the purpose of towing the same to clear the street of any and all debris, parts or glass and to remove such from the scene. In the event two (2) or more auto wreckers pick up vehicles for towing, it shall be the duty of each driver to clear the street of debris, parts or glass. The driver(s) of the emergency auto wreckers indicated in this section shall not leave the scene of the accident until full compliance with the provisions of this section has been made.

Secs. 26-37—26-45. Reserved.

ARTICLE IV. NON-CONSENT HEAVY DUTY TOWS

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Sec. 26-47. Fees.

- (a) *Established.* The director shall establish a fee schedule that encompasses all fees for police tows, and wrecker companies may not add additional fees. The rates charged for wrecker services and storage of towed vehicles shall be set by the director (with approval from the city manager), in accordance with rates set by the State of Texas and in addition to comparable rates of the region and shall be subject to change from time to time as warranted. Wrecker companies must notify the owner(s) or nearest adult relative of the towed vehicle, by telephone within twenty-four (24) hours and in written form by certified mail within ten (10) days of the time of pick up, advising said persons(s) of the storage address of said vehicle and the storage rate, as well as the wrecker company's telephone number.
- (b) Notice of charge to customer. Emergency auto wrecker operators must provide a written copy of authorized rates and charges to the owner or operator of a vehicle that is being towed, unless said vehicle owner or operator is incapacitated for any reason.

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Sec. 26-49. Inspection of wreckers and storage facilities

- (a) An inspection official designated by the director shall set appointments with the emergency auto wrecker company, in or about the month of September of each year, for the purpose of inspecting the storage facilities and emergency auto wreckers used by each wrecker company to ensure that all requirements are met before a new permit is issued. All appointments for inspection are to be set by the reasonable discretion of the inspector. All requirements shall be met and approved by the inspector.
- (b) Periodic inspections of the permitted wreckers and their storage facilities may be made at any time during the year that the emergency auto wrecker permit is in effect. This is done to ensure compliance with all sections of this chapter. The inspection of storage facilities may occur at any reasonable hour. Wreckers may be inspected at any time during normal business hours or during any time of operation.
- (c) Wreckers found in violation of the requirements of this chapter may be subject to immediate forfeiture of said permit and the owner and/or operator may be subject to citation by either the Police Department or the inspection official.

Sec. 26-50. Wrecker driver qualifications.

No person shall operate or drive any auto wrecker or emergency auto wrecker, whether on his/her own account or in the employ of another, except in compliance with the following standards and conditions, to wit:

- (1) All wrecker drivers must be eighteen (18) years of age or older and must not have been convicted of any felony, theft, or crime of moral turpitude.
- (2) All wrecker drivers must possess a current, valid, and appropriate driver's license which has been duly issued to him/her by the Texas Department of Public Safety.
- (3) All permit holders must provide evidence that their drivers are covered by the certificate of insurance required in section 26-14.

Sec. 26-51. - Solicitation of business on streets of city prohibited; presumption of violation.

- (a) No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle "wrecked, disabled or picked up from a police incident site," on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing said vehicle.
- (b) Proof of the presence of any person engaged in the wrecker business or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the wrecker business either as owner, operator, employee, or agent, on any public street in the city, at or within two hundred (200) feet of the scene of a wreck, accident or collision, shall be prima facie evidence of a solicitation in violation of this section.

Sec. 26.52. – Choice of wrecker service.

- (a) *Police shall not solicit, recommend or influence choice; authorized to direct tow to police station.* No police officer, investigating or present at the scene of any wreck, accident, collision, or police incident shall directly or indirectly either by word, gesture, sign or otherwise, recommend to any person, the name of any particular owner engaged in the

wrecker services or repair business, nor shall any such police officer influence or attempt to influence in any manner the decision of any person choosing or selecting a wrecker or repair service.

- (b) *Dispositions of vehicles.* The Police Department may move a vehicle from the scene of an accident or remove a vehicle whose driver is under arrest.
- (c) *Right of owner to request.* The owner or driver of a wrecked auto or the arrested owner or driver at a police incident site has the right to request, through the investigating officer, a particular wrecker service, provided that: the wrecker service requested has a valid auto wrecker permit issued by the State of Texas; that said wrecker service can respond to the incident in a reasonable amount of time; and the vehicle is not subject to police impound for evidence carrying purposes.

Sec. 26-53. - Immediate storage of towed vehicles required; exceptions.

All vehicles picked up by an emergency auto wrecker shall immediately be taken to the permit holder's approved storage area, unless authorization to take the vehicle to another location is received from the Police Department, or in the absence of a police impound or hold, by written authorization of the owner or operator of the vehicle.

Sec. 26-54. - Hours storage facility open for receiving, releasing vehicles.

The holder of an emergency auto wrecker permit shall be responsible for maintaining and operating the storage facility so that vehicles may be received and released twenty-four (24) hours per day.

Sec. 26-55. – Officers authorized to remove illegally parked, abandoned or disabled vehicles.

- (a) Officers of the City Police Department or investigating law enforcement agencies are hereby authorized to remove a vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the governmental agency, of which the officer is a member, under the circumstances hereinafter enumerated:
 - (1) When any vehicle is illegally parked so as to block the entrance to any private driveway, and it is impractical to move such vehicle from in front of the driveway to another point on the highway or street;
 - (2) When any vehicle is found upon a highway or street and a report has previously been made that such vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled;
 - (3) When any such officer has reasonable grounds to believe that any vehicle has been abandoned;
 - (4) When a vehicle upon a highway or street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle; or
 - (5) When an officer arrests any person driving or in control of the vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate.

- (b) Any officer is hereby authorized to remove any vehicle parked or standing in or on any portion of a roadway when in the opinion of the said officer the vehicle constitutes a hazard; or interferes with a normal function of a governmental agency; or by reason of any catastrophe, emergency or unusual circumstances the safety of said vehicle or others is imperiled.
- (c) Any member of the city fire marshal's office is hereby authorized to have a vehicle removed that is parked in such a manner as to violate the city's fire ordinance or interferes with the response to any incident.

Sec. 26-56. - Violation; penalties.

- (a) Any person who violates any provision in this article, for which a specific penalty is not provided, shall be guilty of a misdemeanor and upon conviction may be punished by a fine as prescribed by section 1-5.
- (b) Any person who violates subsections 26-46(a) or (b) may be punished by a fine of not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00) per violation in accordance with Chapter 643 of the Texas Transportation Code,. Each act of violation and each day in which a violation is permitted to continue shall constitute a separate offense.

Section 2. That except as amended herein all other provisions of Chapter 26 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert Lee, Chief

Agenda Item: Consider Ordinance 22-EE, amending Chapter 30 ½, Regulation of Sex Offender Residency, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 30½-2 – Definitions, Section 30½-3 – Sex Offender Residency Prohibition; Section 30½ - 6 – Penalty; providing for penalties; providing for severability; and setting forth other provisions related thereto.

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

Summary: This Ordinance is amending Chapter 30 ½, Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Sec 30.5-2 – Amending definition of temporary residence.
- Sec 30.5-2 – Establishing separate violations
- Grammatical changes

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:** 3/31/2022 SLH

Supporting documents attached:

- Ordinance 22-EE; redlined
- Ordinance 22-EE; final

Recommendation: Move to approve Ordinance 22-EE, amending Chapter 30 ½, Regulation of Sex Offender Residency, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 30½-2 – Definitions, Section 30½-3 – Sex Offender Residency Prohibition; Section 30½ - 6 – Penalty; providing for penalties; providing for severability; 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 NO. 22-EE

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 30 ½ REGULATION OF SEX OFFENDER RESIDENCY, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 30½-2 - DEFINITIONS, SECTION 30½-3 SEX OFFENDER RESIDENCY PROHIBITION; SECTION 30½-6 PENALTY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 30 ½, Regulation of Sex Offender Residency, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

Chapter 30½ - REGULATION OF SEX OFFENDER RESIDENCY

...

Sec. 30½-2. - Definitions.

The following words, terms, and phrases; when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Alvin, Texas.

| *Permanent residence* means a place where the person abides, lodges, or resides for seven (7) or more consecutive days.

| *Premises where children commonly gather* means:

- | (1) All public or semi-public parks, playgrounds, private and public schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or semi-public swimming pools, child-care facility, child-care institution, any recreational field, crisis center or shelter, skate park or rink, public or private youth center, movie theater, bowling alley, scouting facilities and offices for child protective services; and ~~or~~

- (2) Those terms as defined in Article 481.134 of the Texas Health and Safety Code ~~of the Vernon's Texas Code Annotated.~~

Semi-public shall mean any facility restricted for use by residents, members, or registered guests and that is intended to be used for and is operated solely for, including, but not limited to, and in conjunction with:

- (1) Hotels, motels, apartments, condominiums, bed and breakfasts or similar facilities associated with lodgings;
- (2) Camps or manufactured home parks; or
- (3) Membership clubs, churches, or associations.

Nothing in this chapter shall be construed as applying to any pool, constructed at a one- or two-family dwelling, and maintained by an individual for the sole use of the household and house guests.

Temporary residence means a place where the person abides, lodges or resides ~~who on at least three (3) or more occasions during any month spends more than forty-eight (48) consecutive hours in the city, if they are registered somewhere other than the City of Alvin. for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, resides or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's registered residence.~~

Sec. 30½-3. - Sex offender residency prohibition; penalty; exceptions.

- (a) If a person is required to register on the ~~d~~department of ~~p~~public ~~s~~safety's sex offender database because of a violation involving a victim who was less than seventeen (17) years of age or for the possession or promotion of child pornography, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of any premise where children commonly gather. It shall be prima facie evidence that this chapter applies to such a person if the person's record appears on the database and the database indicates that the victim was less than seventeen (17) years of age.
- (b) For the purpose of determining the minimum distance separation, the requirement shall be measured by:
 - (1) Following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein; or
 - (2) In the case of multiple residences on one property, measuring from the nearest wall of the building or structure occupied or the parking/driveway, ~~which ever~~whichever is closer to the nearest property line of the premises where children commonly gather, as described herein; or
 - (3) In the case of semi-public, multi-residential properties, the exclusionary zone applies within the boundary of property lines of the subject property.

A map generally depicting the prohibited areas is available on the city website, ~~or the Alvin Police Department.~~ The eCity shall review the map at least annually for any changes that may be required.

- (c) Exceptions. Nothing in this chapter shall be interpreted to modify or reduce the state's child safety ban. A person, as described in subsection (a), residing within one thousand (1,000) feet of those places where children commonly gather does not commit a violation of this chapter if any of the following apply:
- (1) The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas, prior to the date of the adoption of this chapter.
 - (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
 - (3) The person is a minor.
 - (4) The premises where children commonly gather, as specified herein, within one thousand (1,000) feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.
 - (5) The person proves that the information on the database is incorrect and that, if corrected, this chapter would not apply to the person.
 - (6) The person is under an order of a court of pre-eminent jurisdiction in the State of Texas or of the Texas Department of Criminal Justice Parole Board permitting the person to reside at a location within one thousand (1,000) feet of any premises where children commonly gather.

...

Sec. 30½-6. - Penalty.

Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty section 1-5 of the Code of Ordinances. Each day that a permanent residence or temporary residence is maintained in violation of this section shall constitute a separate violation.

Section 2. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. That except as amended herein all other provisions of Chapter 30 ½ of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

ORDINANCE NO. 22-EE

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 30 ½ REGULATION OF SEX OFFENDER RESIDENCY, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 30½-2 - DEFINITIONS, SECTION 30½-3 SEX OFFENDER RESIDENCY PROHIBITION; SECTION 30½-6 PENALTY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 30 ½, Regulation of Sex Offender Residency, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

Chapter 30½ - REGULATION OF SEX OFFENDER RESIDENCY

...

Sec. 30½-2. - Definitions.

The following words, terms, and phrases; when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Alvin, Texas.

Permanent residence means a place where the person abides, lodges, or resides for seven (7) or more consecutive days.

Premises where children commonly gather means:

- (1) All public or semi-public parks, playgrounds, private and public schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or semi-public swimming pools, childcare facility, childcare institution, any recreational field, crisis center or shelter, skate park or rink, public or private youth center, movie theater, bowling alley, scouting facilities and offices for child protective services; and
- (2) Those terms as defined in Article 481.134 of the Texas Health and Safety Code.

Semi-public shall mean any facility restricted for use by residents, members, or registered guests and that is intended to be used for and is operated solely for, including, but not limited to, and in conjunction with:

- (1) Hotels, motels, apartments, condominiums, bed and breakfasts or similar facilities associated with lodgings;
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Nothing in this chapter shall be construed as applying to any pool, constructed at a one- or two-family dwelling, and maintained by an individual for the sole use of the household and house guests.

Temporary residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, resides or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's registered residence.

Sec. 30½-3. - Sex offender residency prohibition; penalty; exceptions.

- (a) If a person is required to register on the department of public safety's sex offender database because of a violation involving a victim who was less than seventeen (17) years of age or for the possession or promotion of child pornography, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of any premise where children commonly gather. It shall be prima facie evidence that this chapter applies to such a person if the person's record appears on the database and the database indicates that the victim was less than seventeen (17) years of age.
- (b) For the purpose of determining the minimum distance separation, the requirement shall be measured by:
 - (1) Following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein; or
 - (2) In the case of multiple residences on one property, measuring from the nearest wall of the building or structure occupied or the parking/driveway, whichever is closer to the nearest property line of the premises where children commonly gather, as described herein; or
 - (3) In the case of semi-public, multi-residential properties, the exclusionary zone applies within the boundary of property lines of the subject property.

A map generally depicting the prohibited areas is available on the city website. The City shall review the map at least annually for any changes that may be required.

- (c) Exceptions. Nothing in this chapter shall be interpreted to modify or reduce the state's child safety ban. A person, as described in subsection (a), residing within one thousand (1,000) feet

of those places where children commonly gather does not commit a violation of this chapter if any of the following apply:

- (1) The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas, prior to the date of the adoption of this chapter.
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (3) The person is a minor.
- (4) The premises where children commonly gather, as specified herein, within one thousand (1,000) feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.
- (5) The person proves that the information on the database is incorrect and that, if corrected, this chapter would not apply to the person.
- (6) The person is under an order of a court of pre-eminent jurisdiction in the State of Texas or of the Texas Department of Criminal Justice Parole Board permitting the person to reside at a location within one thousand (1,000) feet of any premises where children commonly gather.

...

Sec. 30½-6. - Penalty.

Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty section 1-5 of the Code of Ordinances. Each day that a permanent residence or temporary residence is maintained in violation of this section shall constitute a separate violation.

Section 2. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 3. That except as amended herein all other provisions of Chapter 30 ½ of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Watermark Section 1 (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 40.430 acres of land situated in the B.B.B.&C.R.R. Co. Survey, A-159, and the I.&G.N.R.R. Co. Survey, A-400, City of Alvin, Brazoria County, Texas.

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

Summary: On March 1, 2022, the Engineering Department received the final plat of Watermark Section 1 for review. The property is located along the east side of Bypass 35 between House Street and South Street. This final plat consists of 63 single-family residential lots, 7 reserves, and 2 blocks, and complies with the City of Alvin's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on March 15, 2022.

The master preliminary plat of Watermark was approved by City Council on October 21, 2021.

Staff recommends approval of the plat.

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:** 3/29/2022 SLH

Supporting documents attached:

- Final Plat of Watermark Section 1

Recommendation: Move to approve a final plat of Watermark Section 1 (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 40.430 acres of land situated in the B.B.B.&C.R.R. Co. Survey, A-159, and the I.&G.N.R.R. Co. Survey, A-400, City of Alvin, Brazoria County, Texas.

Reviewed by Department Head, if applicable ☒

Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐

Reviewed by City Manager ☒

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT, BEING AN OFFICER OF D.R. HORTON-TEXAS LTD., A TEXAS LIMITED PARTNERSHIP, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 40.430 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF WATERMARK SECTION 1, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE INTENDED FOR THE CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF ALL PROPERTY IMMEDIATELY ADJACENT TO THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION OF WATERMARK SECTION 1 WHERE BUILDING SETBACK LINES OR PUBLIC UTILITY EASEMENTS ARE TO BE ESTABLISHED OUTSIDE THE BOUNDARIES OF THE ABOVE AND FOREGOING SUBDIVISION AND DO HEREBY MAKE AND ESTABLISH ALL BUILDING SETBACK LINES AND DEDICATE TO THE USE OF THE PUBLIC, ALL PUBLIC UTILITY EASEMENTS SHOWN IN SAID ADJACENT ACRES.

IN TESTIMONY WHEREOF, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JONATHAN WOODRUFF, ITS ASSISTANT VICE PRESIDENT, THEREUNTO AUTHORIZED,

THIS 25th DAY OF February, 2022.

D.R. HORTON-TEXAS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: [Signature]
JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT

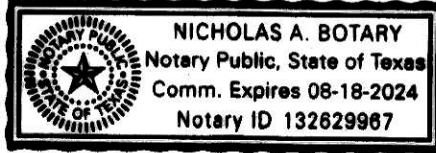
STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT OF D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,

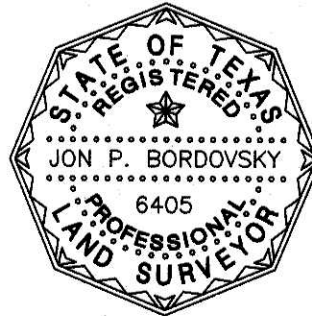
THIS 25th DAY OF February, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



I, JON P. BORDOVSKY, A REGISTERED PROFESSIONAL LAND SURVEYOR, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION WAS PREPARED FROM AN ACTUAL SURVEY OF THE PARENT TRACT PROPERTY, MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE OF THE PERIMETER BOUNDARY ONLY WILL BE MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET WITH PLASTIC CAP MARKED "GBI PARTNERS" UNLESS OTHERWISE NOTED AT THE TIME OF RECORDATION AND THE PLAT CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF NAD 1983, SOUTH CENTRAL ZONE. (SEE NOTE 3)

JON P. BORDOVSKY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6405



I, KATHLEEN KINCHEN, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF BRAZORIA COUNTY TO THE BEST OF MY KNOWLEDGE.

[Signature]
KATHLEEN KINCHEN, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 136244



CITY OF ALVIN APPROVAL

PAUL HORN, MAYOR

DIXIE ROBERTS, CITY SECRETARY

MICHELLE SEGOVA, CITY ENGINEER

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

- DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
- ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDING FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES, LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
- MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
- THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDOMULCH SEEDED.
- OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL S, 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
- B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
- B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
- DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3

HAS APPROVED THE PLAT OF WATERMARK SEC 1 AS SHOWN HERON ON THE First DAY OF March, 2022

[Signature]
RICKY KUBZICKA
COMMISSIONER

[Signature]
ALFRED FLOBERG, JR.
COMMISSIONER

[Signature]
BOBBY SCHIFF
COMMISSIONER

[Signature]
DONG NGUYEN, P.E., C.E.M.
DISTRICT ENGINEER

NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF ALVIN.
- ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
- THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY DIVIDING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.99986663422.
- THIS TRACT LIES IN ZONES "X" & "AE" OF THE F.I.R.M. FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, DATED DECEMBER 30, 2020, MAP NO. 48039C 0165K. CONTACT THE CITY OF ALVIN FLOODPLAIN ADMINISTRATOR FOR THE FLOOD INFORMATION.
- SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR THE TRACT.
- NO BUILDING PERMITS WILL BE ISSUED UNTIL ALL THE STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION, HAVE BEEN CONSTRUCTED.
- BENCHMARK: CITY OF ALVIN GPS CONTROL MONUMENT NO. 0206. 3-- 1/4 BRASS DISK SET ON 5/8" IRON ROD BELOW GRADE.
- T.B.M. INDICATES TEMPORARY BENCHMARK:
ELEVATION = 39.23', NAVD 88, GEOID 18
- ALL BUILDING LINE TRANSITIONS ARE AT 45° ANGLES TO THE STRAIGHT SIDE LOT LINE WHERE THE TRANSITION OCCURS.
- ALL LOT LINES SHALL HAVE A MINIMUM 5' SIDE YARD SETBACK LINE.
- A MINIMUM DISTANCE OF 10' SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.
- THE HOMEOWNERS' ASSOCIATION WILL OWN AND MAINTAIN RESERVES "A", "B", "C", "D", & "F". BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 81 WILL OWN AND MAINTAIN RESERVES "E" & "G".
- ONE-FOOT TRACT DEDICATED FOR BUFFER PURPOSES TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ADJACENT PROPERTY, THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RE-SUBDIVIDED IN A RECORDED PLAT, THE ONE-FOOT TRACT SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, THEIR HEIRS, ASSIGNS OR SUCCESSORS.

Being a tract containing 40.430 acres of land, located in the B.B.B. & C.R.R. Co. Survey, Abstract Number 159 and the I&G.N.R.R. Co. Survey, Abstract Number 400, in Brazoria County, Texas; Said 40.430 acre tract being a portion of a call 103.502 acre tract recorded in the name of D.R. Horton-Texas, Ltd. in File Number 2021029407 of the Official Public Records of Brazoria County (O.P.R.B.C.); Said 40.430 acre tract being more particularly described by metes and bounds as follows (bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, as derived from GPS observations);

Beginning at a concrete monument found at the northeasterly corner of a call 3.322 acre tract recorded in the name of QBK Foot TX, LLC in File Number 2016044971 of the O.P.R.B.C.; and being on the common line of aforesaid B.B.B. & C.R.R. Co. and I&G.N.R.R. Co. Surveys;

Thence, with the northerly line of said 3.322 acre tract and the northerly line of a call 8.443 acre tract recorded in the name of William Durward and Peggy Ann Flora in File Number 1985030715 of the O.P.R.B.C., South 86 degrees 21 minutes 06 seconds West, a distance of 423.40 feet;

Thence, through and across said 103.502 acre tract, the following ten (10) courses:

- North 13 degrees 42 minutes 54 seconds West, a distance of 348.80 feet;
- North 05 degrees 15 minutes 06 seconds East, a distance of 49.30 feet;
- North 26 degrees 09 minutes 06 seconds East, a distance of 224.28 feet;
- North 66 degrees 03 minutes 51 seconds West, a distance of 177.85 feet;
- 40.25 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet, a central angle of 92 degrees 15 minutes 14 seconds and a chord that bears North 22 degrees 11 minutes 28 seconds West, a distance of 35.04 feet;
- North 68 degrees 19 minutes 05 seconds West, a distance of 198.62 feet;
- 739.27 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet, a central angle of 90 degrees 00 minutes 00 seconds and a chord that bears South 66 degrees 40 minutes 55 seconds West, a distance of 35.36 feet;
- North 68 degrees 19 minutes 05 seconds West, a distance of 60.00 feet;
- North 21 degrees 40 minutes 55 seconds East, a distance of 28.47 feet;
- North 68 degrees 19 minutes 05 seconds West, a distance of 147.02 feet to the easterly Right-of-Way (R.O.W.) line of State Highway 35 (300-foot wide);

Thence, with said easterly R.O.W. line, the following three (3) courses:

- North 21 degrees 26 minutes 53 seconds East, a distance of 959.32 feet to a found concrete monument;
- North 86 degrees 47 minutes 03 seconds East, a distance of 25.00 feet to a 1/2-inch iron rod found;
- 462.57 feet along the arc of a curve to the left, said curve having a radius of 5905.32 feet, a central angle of 04 degrees 29 minutes 17 seconds and a chord that bears North 17 degrees 50 minutes 08 seconds East, a distance of 452.46 feet to a 1/2-inch iron rod found on the southerly R.O.W. line of East House Street (aka County Road 719, 80-foot wide);

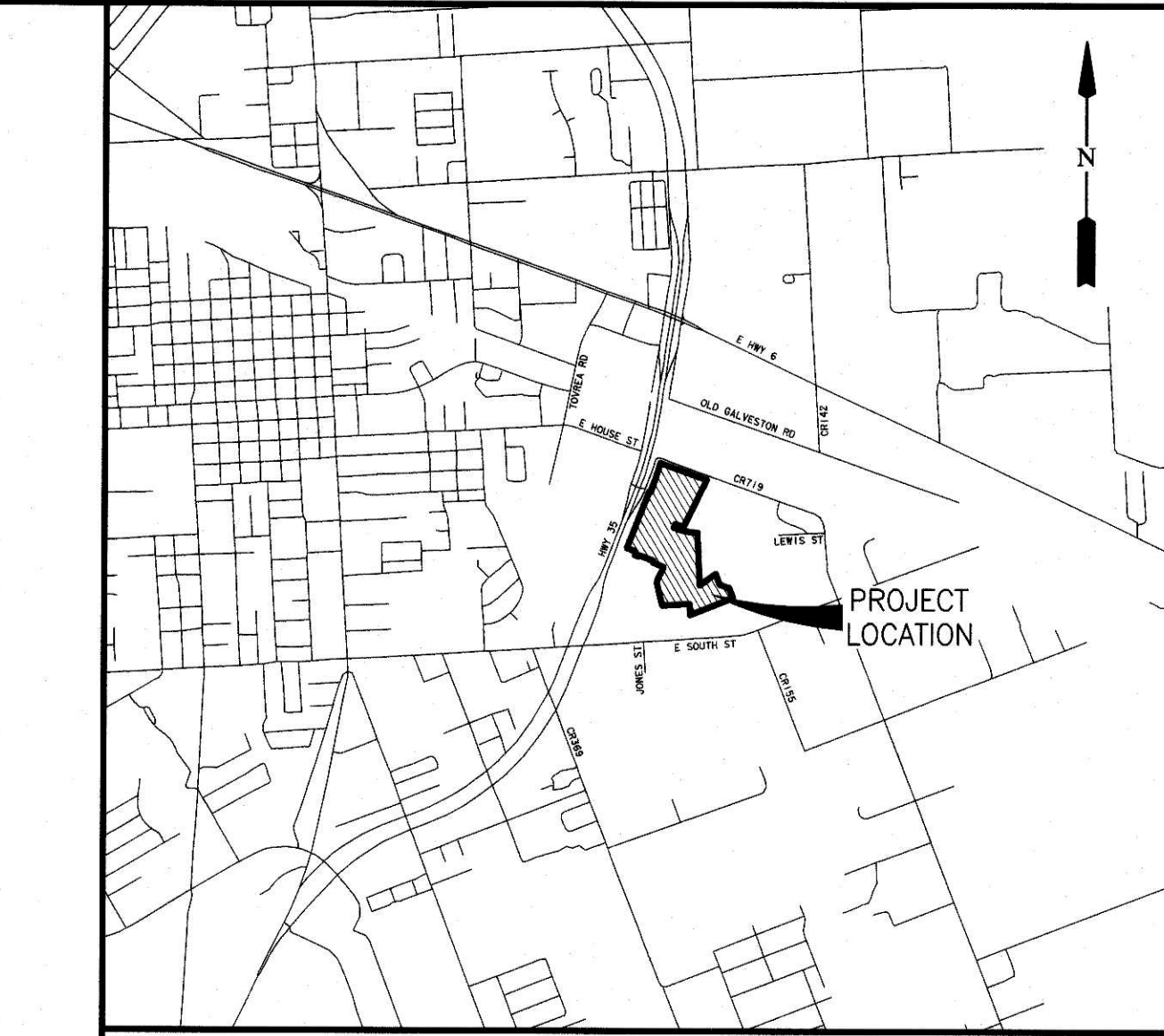
Thence, with said southerly R.O.W. line, South 70 degrees 26 minutes 03 seconds East, a distance of 763.06 feet;

Thence, through and across said 103.502 acre tract, the following eleven (11) courses:

- South 26 degrees 09 minutes 06 seconds West, a distance of 811.60 feet;
- 135.74 feet along the arc of a curve to the right, said curve having a radius of 920.00 feet, a central angle of 08 degrees 27 minutes 12 seconds and a chord that bears North 71 degrees 34 minutes 22 seconds West, a distance of 135.61 feet;
- South 22 degrees 39 minutes 14 seconds West, a distance of 60.00 feet;
- 379.66 feet along the arc of a curve to the left, said curve having a radius of 980.00 feet, a central angle of 22 degrees 11 minutes 49 seconds and a chord that bears South 78 degrees 26 minutes 41 seconds East, a distance of 377.29 feet;
- South 02 degrees 10 minutes 46 seconds East, a distance of 808.76 feet;
- North 54 degrees 41 minutes 54 seconds East, a distance of 311.78 feet;
- South 19 degrees 06 minutes 39 seconds East, a distance of 86.18 feet;
- South 21 degrees 19 minutes 09 seconds East, a distance of 91.53 feet;
- South 66 degrees 46 minutes 45 seconds East, a distance of 137.69 feet;
- North 68 degrees 40 minutes 51 seconds East, a distance of 20.22 feet;
- South 21 degrees 19 minutes 09 seconds East, a distance of 171.00 feet to the northerly line of a call 19.992 acre tract recorded in the name of A.L. Martin, III in File Number 1991028088 of the O.P.R.B.C.;

Thence, with said northerly line and the northerly line of a call 3.30 acre tract recorded in the name of A.L. Martin, III in File Number 2012042678 of the O.P.R.B.C., South 68 degrees 40 minutes 51 seconds West, a distance of 713.37 feet to a 5/8-inch iron rod set on the easterly line of aforesaid 3.322 acre tract and being on the aforesaid common line of the B.B.B. & C.R.R. Co. and I&G.N.R.R. Co. Surveys;

Thence, with said easterly line, North 03 degrees 10 minutes 07 seconds West, a distance of 167.98 feet to the Point of Beginning and containing 40.430 acres of land.



VICINITY MAP

SCALE: 1" = 1/2 MILE

KEY MAP NO. 696T

FINAL PLAT OF WATERMARK SECTION 1

A SUBDIVISION OF 40.430 ACRES OF LAND SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT 159 AND THE
I. & G.N.R.R. CO. SURVEY, ABSTRACT 400,
CITY OF ALVIN, BRAZORIA COUNTY, TEXAS.

63 LOTS 7 RESERVES (23.743 ACRES) 2 BLOCKS

MARCH 09, 2022 JOB NO. 1931-7911C

OWNERS:

D.R. HORTON-TEXAS, LTD.

A TEXAS LIMITED PARTNERSHIP

JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT

6744 HORTON VISTA DRIVE, SUITE 100, RICHMOND, TEXAS 77407

PH: 281-566-2100

SURVEYOR:

ENGINEER:



GBI PARTNERS
LAND SURVEYING CONSULTANTS
4734 VISTA ROAD - PASADENA, TX 77505
PHONE: 281-489-4539 • CBLsurvey@CBLsurvey.com
TRIPLES FIRM #10130300 • www.CBLsurvey.com

JON P. BORDOVSKY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6405

LJA Engineering, Inc.

1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449

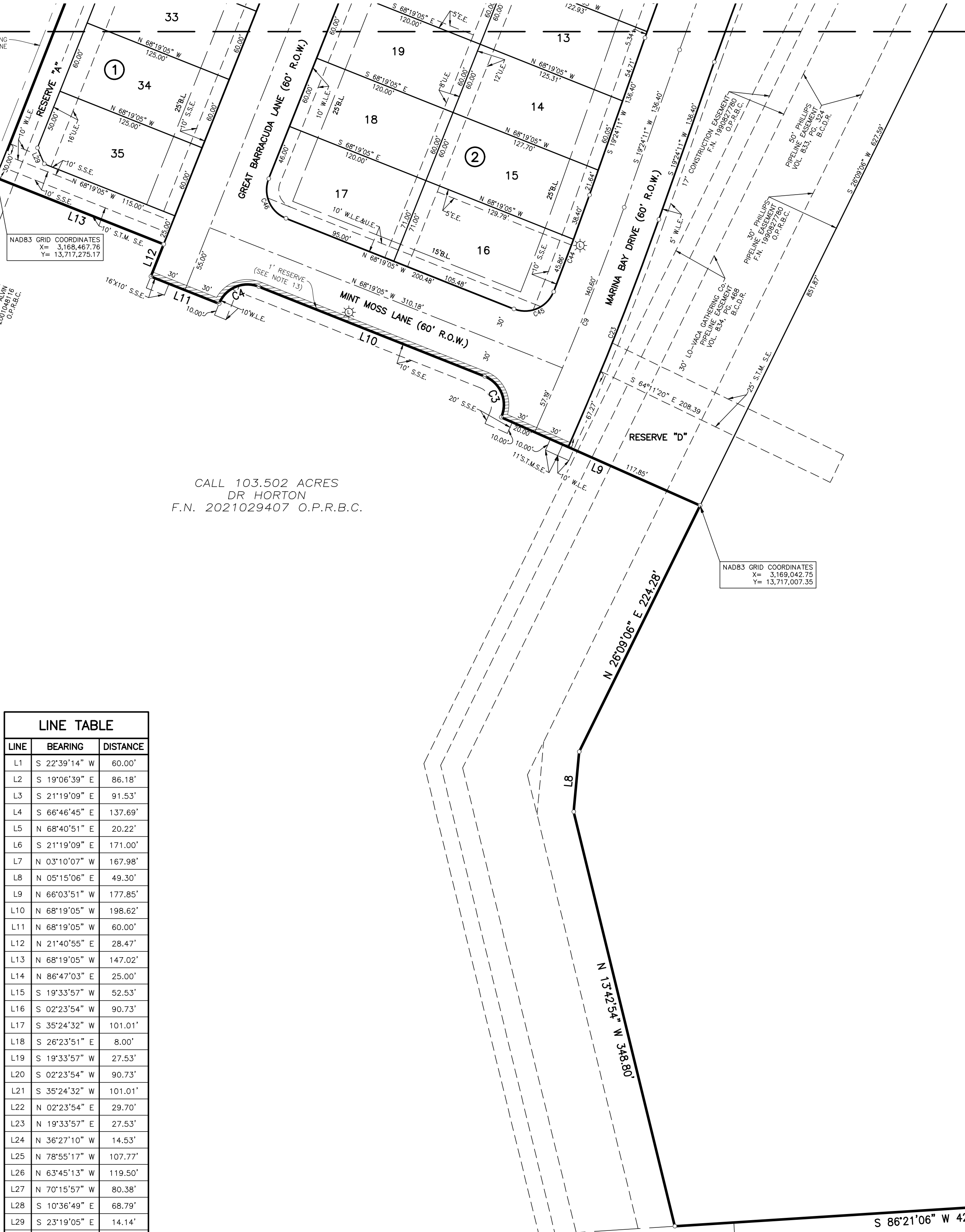
KATHLEEN KINCHEN, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 136244



Phone 713.953.5200
Fax 713.953.5028
FRN-F-1386

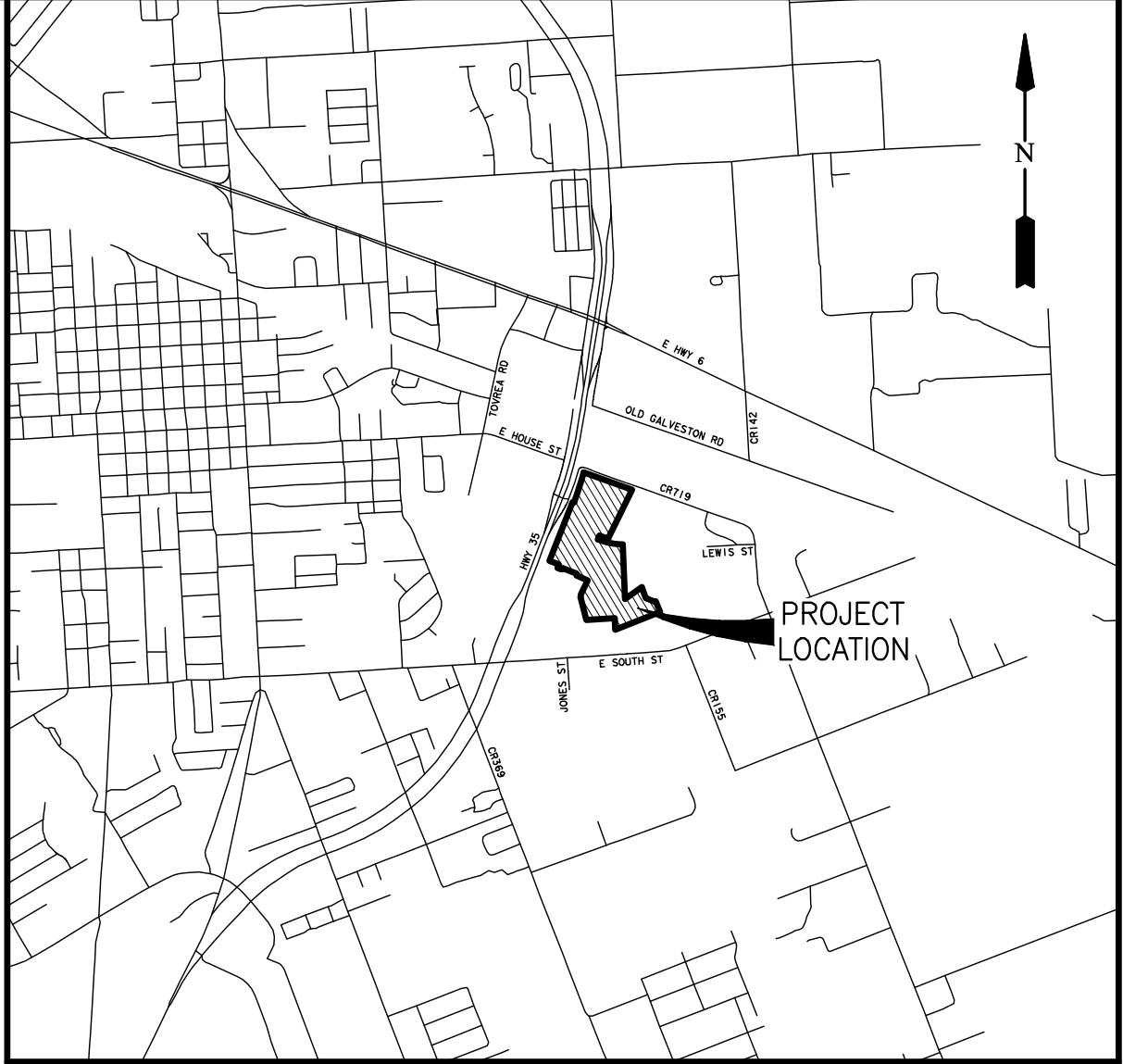
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 22°39'14" W	60.00'
L2	S 19°06'39" E	86.18'
L3	S 21°19'09" E	91.53'
L4	S 66°46'45" E	137.69'
L5	N 68°40'51" E	20.22'
L6	S 21°19'09" E	171.00'
L7	N 03°10'07" W	167.98'
L8	N 05°15'06" E	49.30'
L9	N 66°03'51" W	177.85'
L10	N 68°19'05" W	198.62'
L11	N 68°19'05" W	60.00'
L12	N 21°40'55" E	28.47'
L13	N 68°19'05" W	147.02'
L14	N 86°47'03" E	25.00'
L15	S 19°33'57" W	52.53'
L16	S 02°23'54" W	90.73'
L17	S 35°24'32" W	101.01'
L18	S 26°23'51" E	8.00'
L19	S 19°33'57" W	27.53'
L20	S 02°23'54" W	90.73'
L21	S 35°24'32" W	101.01'
L22	N 02°23'54" E	29.70'
L23	N 19°33'57" E	27.53'
L24	N 36°27'10" W	14.53'
L25	N 78°55'17" W	107.77'
L26	N 63°45'13" W	119.50'
L27	N 70°15'57" W	80.38'
L28	S 10°36'49" E	68.79'
L29	S 23°19'05" E	14.14'
L30	N 24°59'26" W	11.44'

RESERVE TABLE			
RESERVE	ACREAGE	SQ.FT.	TYPE
A	1.306	56,895	LANDSCAPE / OPEN SPACE
B	0.118	5,122	LANDSCAPE / OPEN SPACE
C	2.819	122,808	LANDSCAPE / OPEN SPACE / PIPELINES
D	2.048	89,226	LANDSCAPE / OPEN SPACE / PIPELINES
E	12.703	553,321	DETENTION
F	0.831	36,190	LANDSCAPE / OPEN SPACE / PIPELINES
G	3.918	170,687	DETENTION
TOTAL	23.743	1,034,249	



CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD BEARING
C1	920.00'	8°27'12"	135.74'	N 71°34'22" W
C2	980.00'	22°11'49"	379.66'	S 78°26'41" E
C3	25.00'	92°15'14"	40.25'	N 22°11'28" W
C4	25.00'	90°00'00"	39.27'	S 66°40'55" W
C5	5905.32'	4°29'17"	462.57'	N 17°50'08" E
C6	300.00'	17°10'03"	89.89'	S 10°58'56" W
C7	400.00'	33°00'38"	230.46'	S 18°54'13" W
C8	2150.00'	16°00'21"	600.61'	S 27°24'21" W
C9	2500.00'	4°31'58"	197.79'	S 21°40'10" W
C10	950.00'	3°39'58"	60.79'	S 65°30'47" E
C11	1000.00'	19°15'16"	336.05'	N 76°32'12" W
C12	700.00'	26°37'38"	325.31'	N 70°17'26" W
C13	55.00'	65°15'36"	62.65'	S 63°45'57" W
C14	995.00'	9°27'14"	164.18'	S 26°24'32" W
C15	25.00'	90°00'00"	39.27'	S 64°33'57" W
C16	270.00'	17°10'03"	80.90'	S 10°58'56" W
C17	430.00'	33°00'38"	247.74'	S 18°54'13" W
C18	2120.00'	6°04'55"	225.04'	S 32°22'04" W
C19	25.00'	96°40'23"	42.18'	S 19°00'35" E
C20	980.00'	0°33'59"	9.69'	N 67°03'47" W
C21	25.00'	86°54'47"	37.92'	S 69°45'49" W
C22	2120.00'	6°54'15"	255.46'	S 22°51'18" W
C23	2530.00'	4°31'58"	200.16'	S 21°40'10" W
C24	1025.00'	9°24'41"	168.37'	N 26°23'16" E

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD BEARING
C25	25.00'	20°14'55"	8.84'	N 20°58'08" E
C26	50.00'	105°31'16"	92.08'	N 63°36'19" E
C27	25.00'	19°57'29"	8.71'	S 73°36'47" E
C28	730.00'	22°36'05"	287.96'	S 72°17'29" E
C29	25.00'	84°07'44"	36.71'	N 76°56'41" E
C30	370.00'	32°28'55"	209.76'	N 18°38'22" E
C31	25.00'	89°38'46"	37.37'	N 40°25'29" W
C32	1030.00'	1°32'37"	242.58'	N 76°30'03" W
C33	25.00'	41°25'49"	18.08'	S 89°31'51" W
C34	50.00'	26°53'36"	231.80'	N 21°37'45" E
C35	25.00'	44°21'27"	19.35'	S 47°44'11" E
C36	970.00'	1°30'15"	220.63'	S 76°25'51" E
C37	25.00'	86°42'49"	37.84'	N 53°41'47" E
C38	330.00'	9°13'35"	53.14'	N 14°57'10" E
C39	25.00'	89°59'59"	39.27'	N 25°26'02" W
C40	25.00'	65°15'36"	28.48'	N 63°45'57" E
C41	670.00'	21°31'06"	251.63'	S 72°50'42" E
C42	25.00'	97°19'23"	42.47'	S 13°25'28" E
C43	2180.00'	1°50'03"	602.46'	S 27°19'12" W
C44	2470.00'	1°57'17"	84.26'	S 20°22'49" W
C45	25.00'	90°19'28"	39.41'	S 66°31'11" W
C46	25.00'	90°00'00"	39.27'	N 23°19'05" W
C47	965.00'	9°27'14"	159.23'	N 26°24'32" E

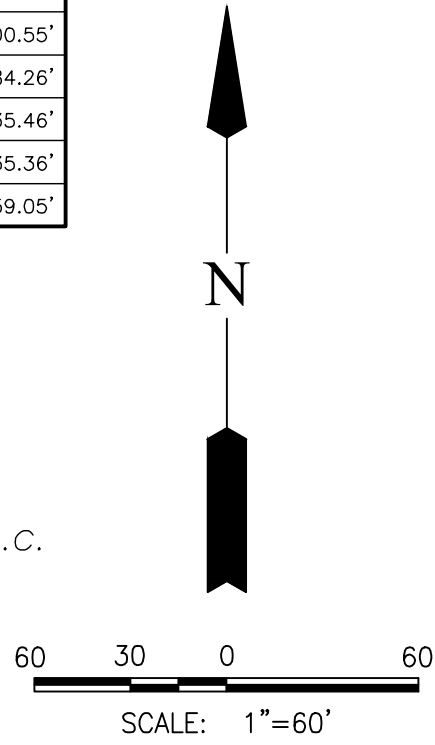


VICINITY MAP
SCALE: 1" = 1/2 MILE

KEY MAP NO. 696T

LEGEND

- B.L. INDICATES BUILDING LINE
- U.E. INDICATES UTILITY EASEMENT
- D.E. INDICATES DRAINAGE EASEMENT
- W.L.E. INDICATES WATERLINE EASEMENT
- S.S.E. INDICATES SANITARY SEWER EASEMENT
- STM.S.E. INDICATES STORM SEWER EASEMENT
- INDICATES PROPOSED STREET LIGHT
- B.C.D.R. INDICATES BRAZORIA COUNTY DEED RECORDS
- B.C.P.R. INDICATES BRAZORIA COUNTY PLAT RECORDS
- B.C.C.F.N. INDICATES BRAZORIA COUNTY CLERKS FILE NUMBER
- O.P.R.B.C. INDICATES OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- INDICATES STREET NAME CHANGE
- F.N. INDICATES FILE NUMBER
- E.E. INDICATES ELECTRICAL EASEMENT
- A.E. INDICATES AERIAL EASEMENT
- R.O.W. INDICATES RIGHT OF WAY
- (F) INDICATES FOUND 5/8" IR W/"GBI" CAP
- (S) INDICATES SET 5/8" IR W/"GBI" CAP
- I.R. INDICATES IRON ROD
- RES. INDICATES RESERVE
- P.O.B. INDICATES POINT OF BEGINNING



FINAL PLAT OF
WATERMARK SECTION 1

A SUBDIVISION OF 40.430 ACRES OF LAND SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT 159 AND THE
I. & G.N.R.R. CO. SURVEY, ABSTRACT 400,
CITY OF ALVIN, BRAZORIA COUNTY, TEXAS.

63 LOTS 7 RESERVES (23.743 ACRES) 2 BLOCKS
MARCH 09, 2022 JOB NO. 1931-7911C

OWNERS:

D.R. HORTON-TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP

JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT
6744 HORTON VISTA DRIVE, SUITE 100, RICHMOND, TEXAS 77407
PH: 281-566-2100

SURVEYOR:

ENGINEER:



JON P. BORDOVSKY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6405

LJA Engineering, Inc.
1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386

KATHLEEN KINCHEN, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 136244



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: City Manager

Contact: Junru Roland, City Manager

Agenda Item: Presentation and discussion on the West Alvin Thoroughfare Plan formulation, Stormwater Drainage Review, and Water and Wastewater Systems Study conducted by Edminster, Hinshaw, Russ & Associates, Inc. (EHRA).

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

Summary: On March 28, 2021, City Council authorized an agreement with EHRA for professional planning services for the West Alvin area. Planning services included: Thoroughfare Plan formulation, Stormwater Drainage Review, and Water and Wastewater Systems review. Representatives from EHRA will be present to give a presentation before City Council on the findings of this study.

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:** 3/31/2022 SLH

Supporting documents attached:

- EHRA Presentation

Recommendation: No action needed – presentation and discussion only.

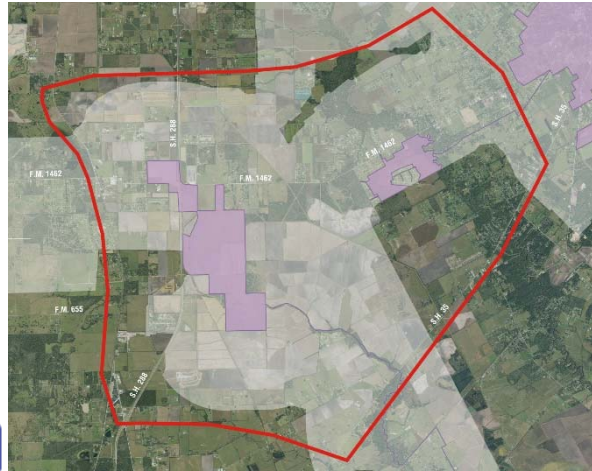
Reviewed by Department Head, if applicable ☒
Reviewed by City Attorney, if applicable ☒

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

West Alvin Planning Area Study

Thoroughfares | Stormwater Drainage | Water and Wastewater

A planning document for 65,500 acres of land representing the future of the City of Alvin



April 7, 2022 Draft

Prepared by:

EHRA Engineering

10011 Meadowglen Lane

Houston, Texas 77042

EHRainc.com

West Alvin Planning Area Study

Preliminary Report, April 7, 2022

Introduction

The City of Alvin is part of a much larger economic region experiencing tremendous growth. The Greater Houston region has proven resilient to many national economic trends for multiple reasons. Proximity to the Gulf of Mexico, international shipping and distribution, Texas Medical Center, fair weather climate, pro-business regulations, and cost of living are just a few reasons that this area continues to be a place where development can thrive.

Development patterns within the Greater Houston region continue to push new development further away from the urban center. Communities such as Alvin are being forced to address expected growth in ways that current governing regulations may not be adequate to guide and control. Imagine that the region is like a still pond and a rock is tossed in the center of the pond creating ripples. If Downtown Houston is the origin of the rock in the pond, then Loop 610 and Beltway 8 are the ripples. As the region's development moves further away from the urban center, more transportation rings are needed, and the Grand Parkway (State Highway 99) was conceived as the next outer ring. As witnessed along segments of the Grand Parkway which have already been constructed, development of new communities and businesses are thriving in previously undeveloped areas.

TxDOT is continuing to study the precise location and alignment of the Grand Parkway through West Alvin. In preparation and in advance of the proposed Grand Parkway, it is necessary to study the westernmost portion of Alvin's city limits and Extraterritorial Jurisdiction (ETJ) where the proposed alignment intersects State Highways 288 and 35. It is reasonable to assume that the community growth already occurring both within and south of Pearland, Iowa Colony and Manvel will continue to southward to Alvin's western jurisdiction. Several large-scale private land development projects are already in various stages of planning and implementation in the vicinity of SH 288, FM 1462, and the proposed Grand Parkway. Eventually these potential projects and others will comprise West Alvin. Consequently, new regional planning is needed to establish a framework for community growth.

Land development is based on several key factors including transportation access, stormwater drainage issues and availability of land. If a tract of land is not accessible, doesn't drain when it rains, or is price prohibitive to develop, then development will occur elsewhere. The West Alvin Study Area as defined for this planning effort is bounded by several regional transportation arteries as already discussed (*see Figure 1*), has multiple bayous capable of providing required stormwater drainage, and contains ample undeveloped acres of land. These factors demonstrate why it is necessary to plan for expected growth within West Alvin. This West Alvin Planning Area Study addresses a future thoroughfare network in coordination with stormwater drainage patterns and future water and wastewater services. Each of these factors will be discussed and mapped to provide City of Alvin officials concepts and techniques for addressing expected new development within the study area.

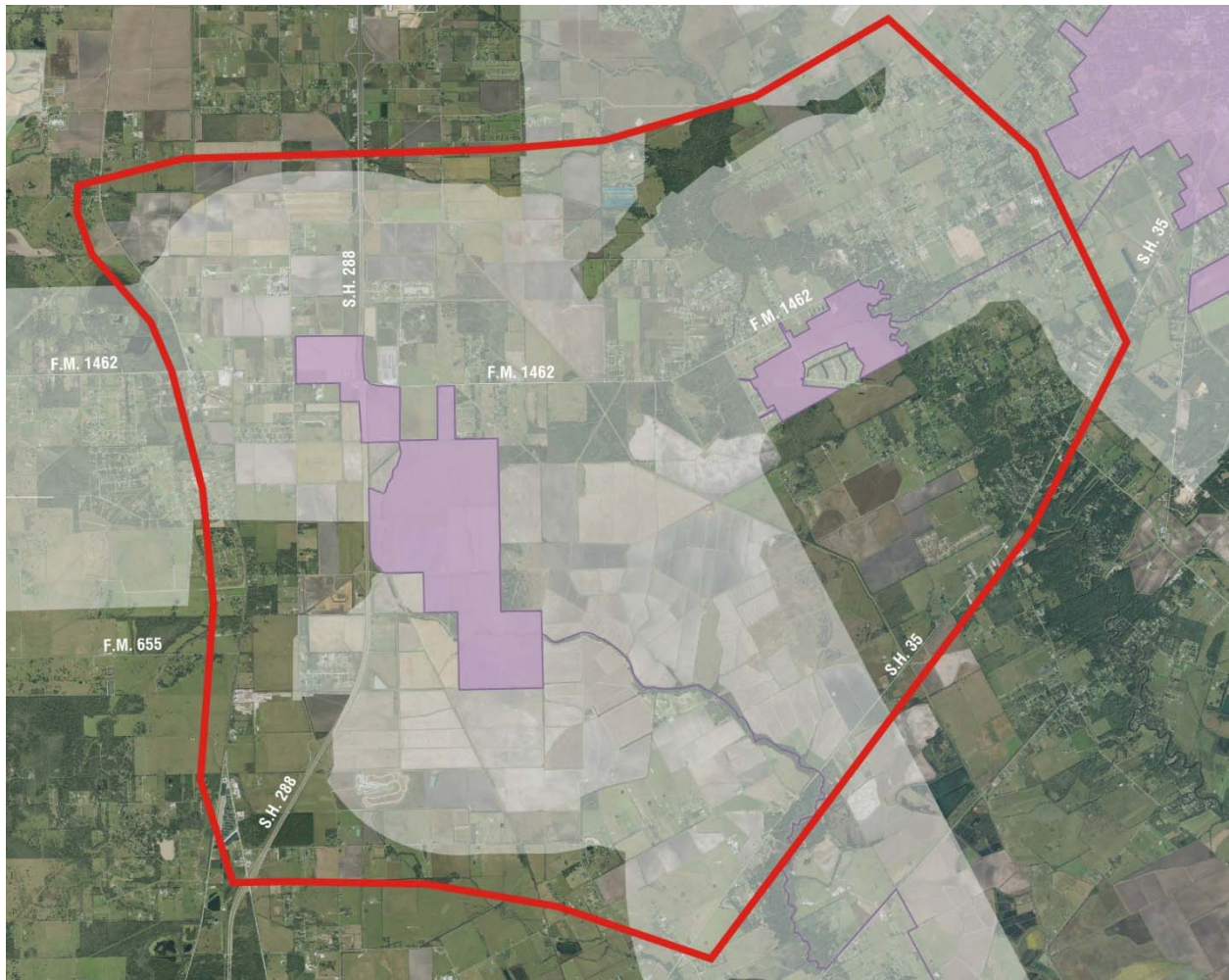


Figure 1: West Alvin Study Area boundary with Alvin City Limits in purple and extraterritorial jurisdiction in white.

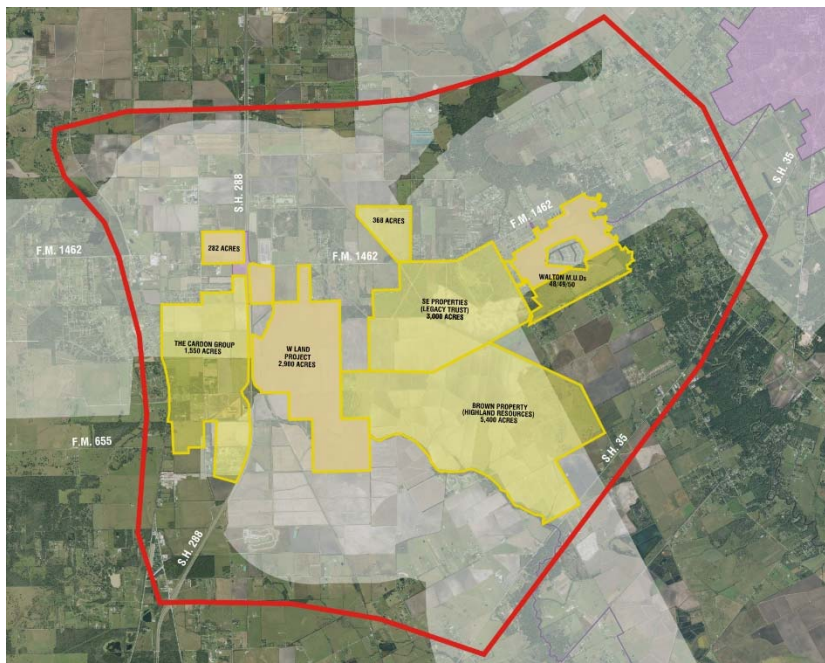


Figure 2: Large landowners within the West Alvin Study Area. Multiple large acreage tracts are likely locations for new master planned communities.

Transportation Planning:

Current thoroughfare planned routes within the West Alvin Study Area were created and adopted long ago. As is often the case with high-level thoroughfare planning, a simple 1-mile grid is often employed to delineate future rights-of-way (ROW). This strategy does not take physical features into account and thus does not form a desired street network within the study area. This study and the resulting mapping effort was done to better align future thoroughfares in West Alvin.

Thoroughfare Planning Considerations:

- Alignment of the Grand Parkway, proposed entrance and exit ramp locations, and extent of proposed frontage roads, if any
- Existing State and County roads and rights-of-way
- Current discontinuous frontage roads along State Highway 288
- Existing railroad south of and parallel to State Highway 35
- Existing freshwater canal alignments
- Stormwater watersheds, drainage patterns and flood plains, including Austin and Chocolate Bayous
- Large ownership/development tracts
- Current approved Brazoria County thoroughfare alignments

Thoroughfare Planning Objectives:

- Provide convenient access throughout West Alvin that is tied to regional highways
- Link future major commercial activity centers and corridors
- Provide a logical framework to create identifiable neighborhoods bounded by major thoroughfares
- Define right-of-way, pavement and alignment standards capable of handling anticipated traffic volumes
- Coordinate thoroughfare planning with private development
- Coordinate thoroughfare planning with other governmental agencies including TxDOT, HGAC, Brazoria County and adjacent municipalities
- Guide the expenditure of public and private funds from multiple sources to establish the thoroughfare network

A well-planned, integrated transportation system is critical to a city's proper growth and development. As observed on Grand Parkway Segment 'E' in northwest Harris County, development adjacent to existing rural Harris County roads is stressing the pavement conditions, causing the need to resurface or rebuild the roads, add lanes and turn lanes, and acquire additional right-of-way. Learning lessons from this and other locations along the already constructed sections of the Grand Parkway informs and guides much of the recommendations to follow. EHRA performed a tract-level analysis of transportation routes and used population and land use projections to create a new proposed thoroughfare plan.

The Grand Parkway:

State Highway 99, as with the current Brazoria County major thoroughfare alignments, is a planned route through the West Alvin Study Area that is not necessarily advantageous in all aspects in its current location. This study proposes to revise the routing so that the alignment sits along the major drainage divide between Chocolate and Austin Bayous, avoids floodplains, and creates opportunities for development. Representatives of the major landowners that the Grand Parkway crosses were consulted during this study and agreed to propose the revised alignment with appropriate major thoroughfare intersection spacing.

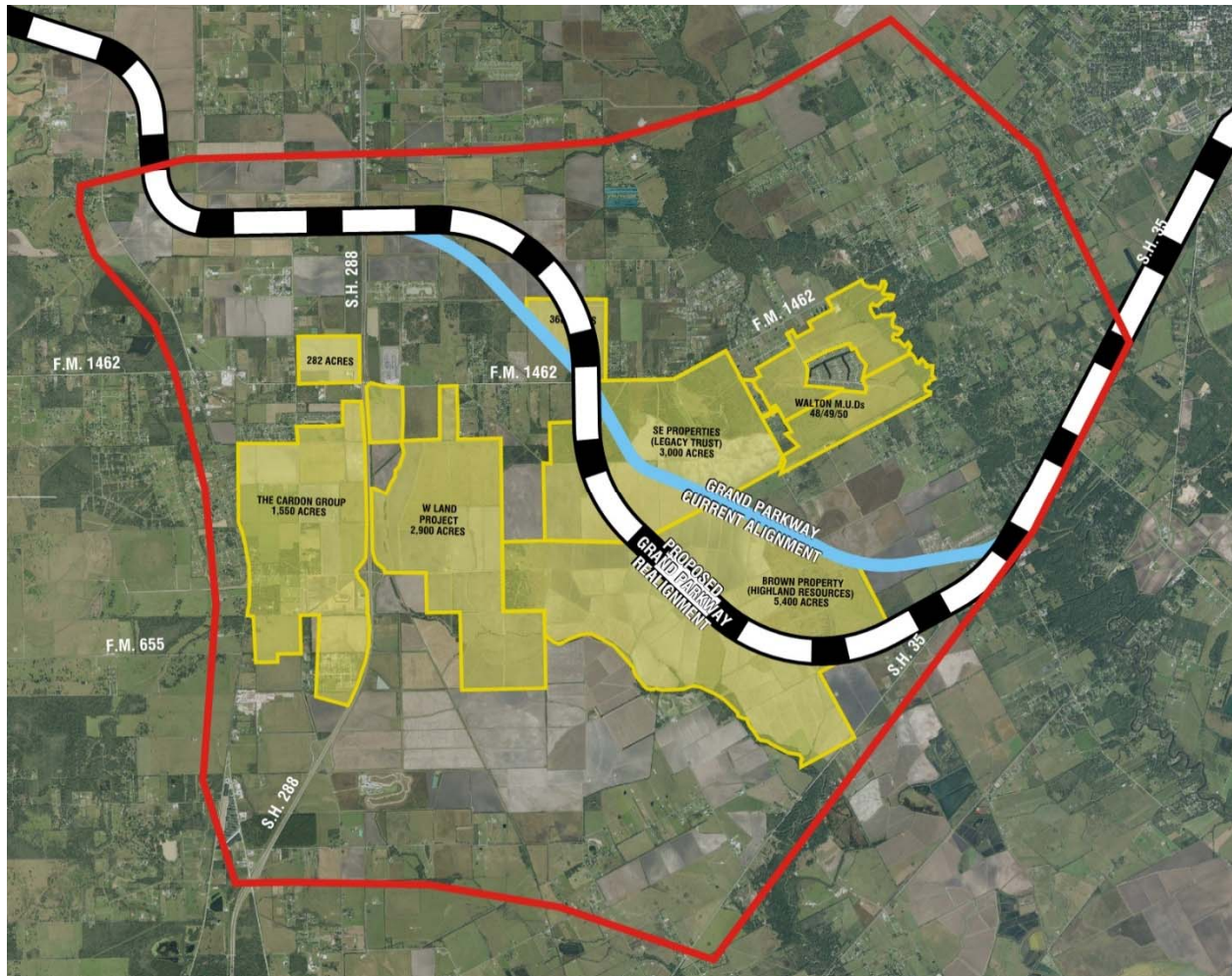


Figure 3: Previous and proposed State Highway 99 - Grand Parkway alignments shown routing through several of the large contiguous tracts within the West Alvin Study Area.

Thoroughfare Plan Recommendations:

- Use the proposed thoroughfare alignments within this plan as a way to preserve right-of-way so that future travel demands can be met. Obtaining ROW after development has been completed is prohibitively expensive.
- Propose as roadway categories, major thoroughfares (6 lanes divided within 120' rights-of-way) and secondary thoroughfares (4 lanes divided within 100' rights of way). Wider ROW will allow for regional public infrastructure and utility corridors to be routed concurrently with travel lanes. Even wider ROW could be considered if regional drainage solutions are desired.
- Integrate secondary transportation modes such as Ped/Bike pathways within wider ROW corridors or separate spines. Such off-street travel modes could connect new residential neighborhoods with regional recreation.

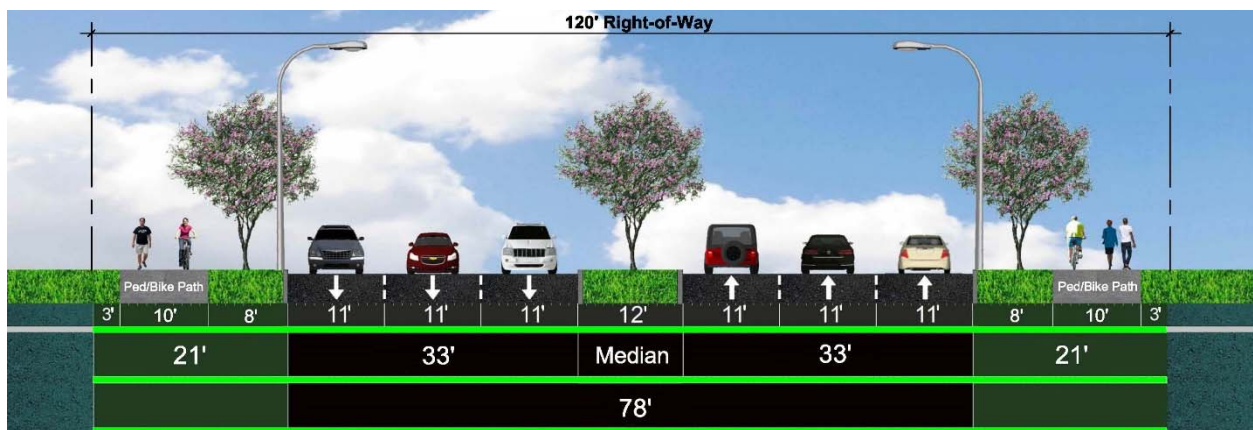


Figure 4: 120' right-of-way Major Thoroughfare

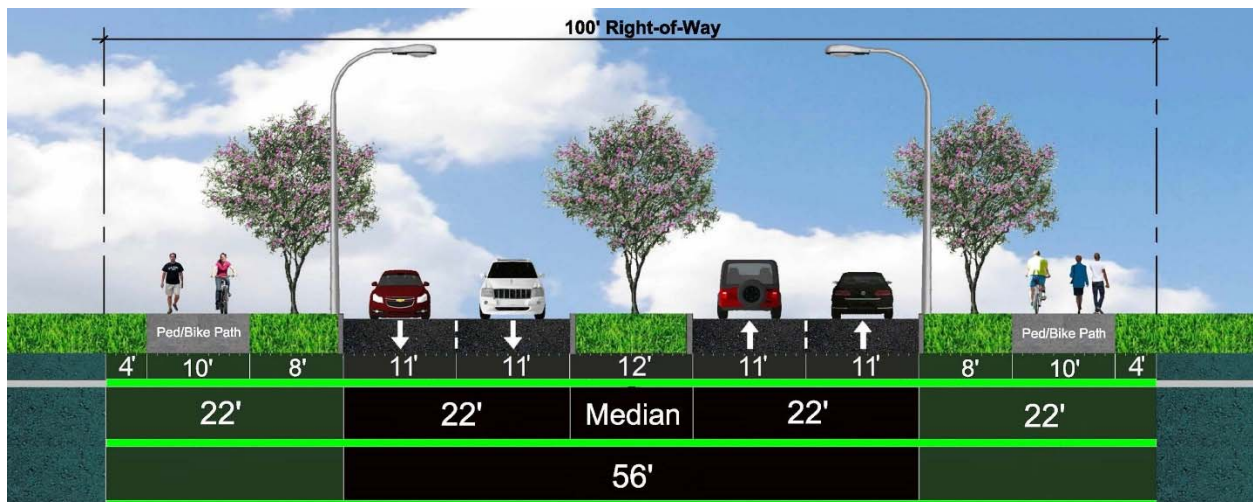


Figure 5: 100' right-of-way Secondary Thoroughfare

Thoroughfare Plan Recommendations (continued):

- Generally, provide an approximate 2-mile grid for major thoroughfares which allows for greater development pattern flexibility.
- Continuous frontage roads are not proposed along State Highway 288 but solutions could still be initiated by landowners/developers.
- Within the 2-mile grid, provide a “backage road” parallel to and east of State Highway 288 which mirrors County Road 48 to the west of the highway. Both roads will help activate commercial development along the highway, especially in the absence of continuous frontage roads, and provide alternative routes when the highway is congested or blocked.
- Provide east/west secondary thoroughfares east of the “backage road” that could optionally extend westward to overpass State Highway 288 or intersect the northbound frontage road, if provided.
- Based on landowner/developer input regarding the Grand Parkway Segment ‘B’:
 - Adjust the proposed alignment from the current schematic plan, between State Highways 288 and 35
 - Propose continuous frontage roads east of State Highway 288 to the merger with State Highway 35
 - Propose additional full interchanges with entrance and exit ramps at major thoroughfares but not at secondary thoroughfares
- Incorporate all State roads into the Plan (except FM 655 which solely serves State prison facilities and lands).
- Incorporate existing County roads where practicable
- Minimize bayou and canal crossings since bridge structures are expensive to build and maintain
- Avoid locating thoroughfares within floodways parallel to the direction of flow. Such roads would be inundated in flood events or be prohibitively expensive to construct to remove them from the floodway.
- Minimize proposed thoroughfares within flood plains parallel to the direction of flow. Since development in general is unwise or even prohibited within floodplains, thoroughfares within such areas are equally unwise. Periodic perpendicular crossings would provide adequate connectivity.
- Review and possibly adjust thoroughfare alignments with future, proposed drainageway improvements that reduce flood plain areas.
- Coordinate adoption of proposed thoroughfare alignments within the Brazoria County plan so that County and City are aligned with regard to future thoroughfares.

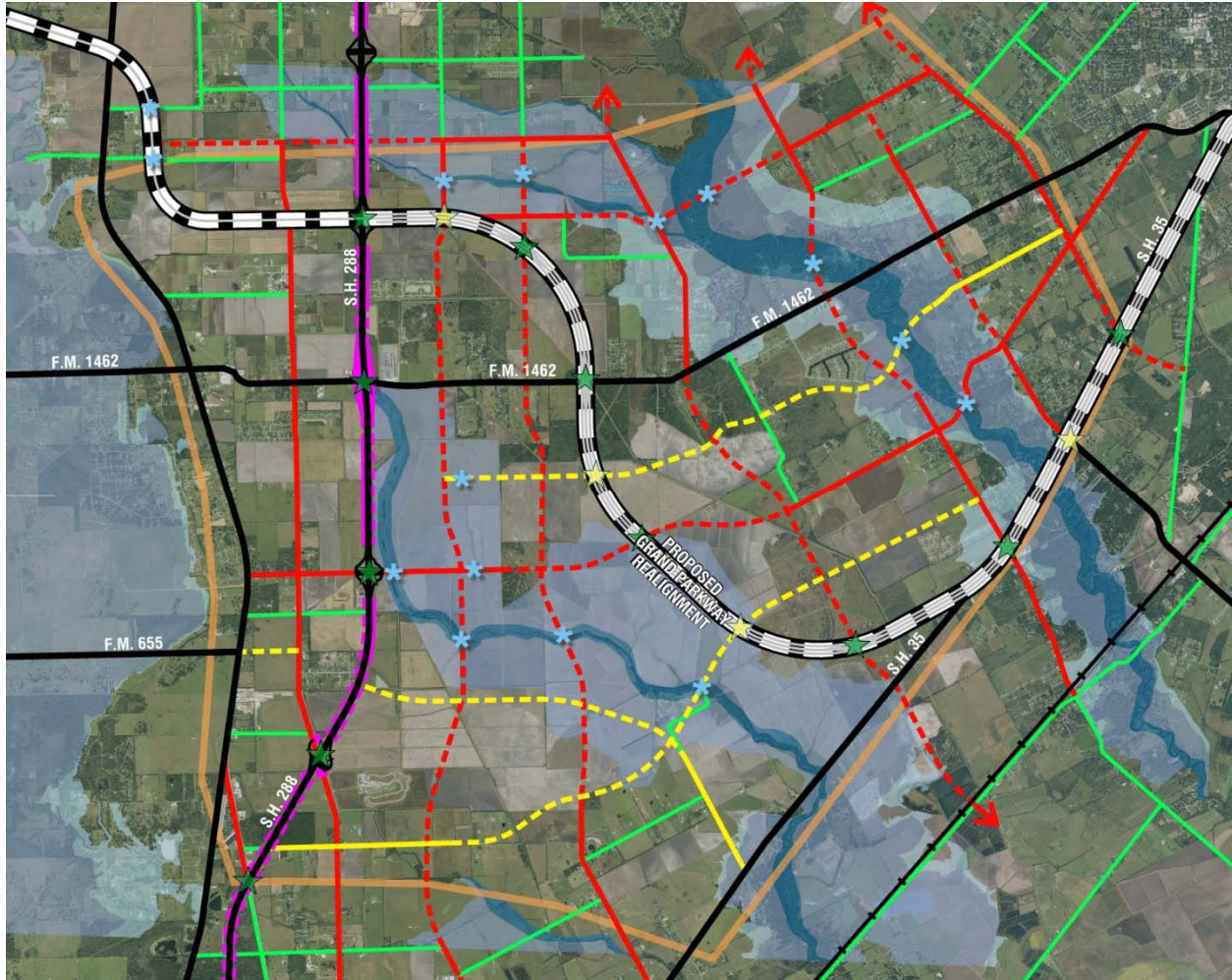
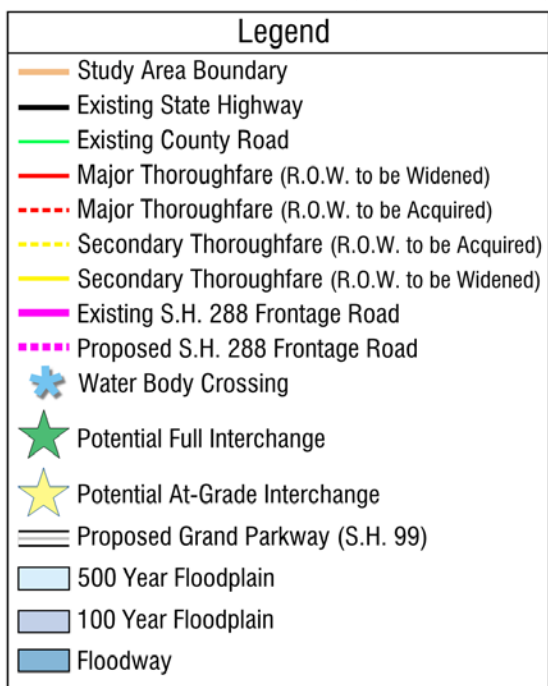


Figure 6: Proposed major thoroughfares, secondary thoroughfares, Grand Parkway intersections



Stormwater Drainage:

The West Alvin Study Area generally drains to three (3) main streams: Chocolate Bayou, Austin Bayou, and Flores Bayou. The watershed areas draining to each bayou are large, have very limited topographic slope, as well as limited existing volume and conveyance capacity. Thus, the area is impacted by expansive floodplains and depth constraints that can make it difficult for development. A combination of channel improvements, tract-based and regional detention solutions, and mitigation efforts are needed to address stormwater management in the area. EHRA performed a high-level drainage assessment of West Alvin to identify drainage concepts that could benefit future development.



Figure 7: The image above depicts the three major watersheds within the West Alvin Study Area: Chocolate Bayou in the northeast, Austin Bayou through the middle, and Flores Bayou on the southern boundary.

Drainage Considerations:

- Generally, floodplain areas can be significantly reduced with large, regional-based solutions adjacent to or in close proximity to major streams and bayous.
- Major streams and bayous can provide additional capacity with channel improvements that widen and potentially deepen each stream through the area, resulting in conveying more stormwater flows and reducing floodplains along the channel banks. Such designs remove property from the floodplain to lessen development restrictions/constraints. However, a regional detention basin solution might be required at a location where the stream transitions back to an existing, unimproved cross-section so that downstream velocities and water surface elevations are not increased.
- At all times, drainage improvements must not adversely affect upstream or downstream properties. Thus, improvements within the West Alvin Study Area will likely affect only properties within the described district. Existing major roads and locations of bayous are constraints which limit the ability for drainage improvements to have an effect outside the study area.

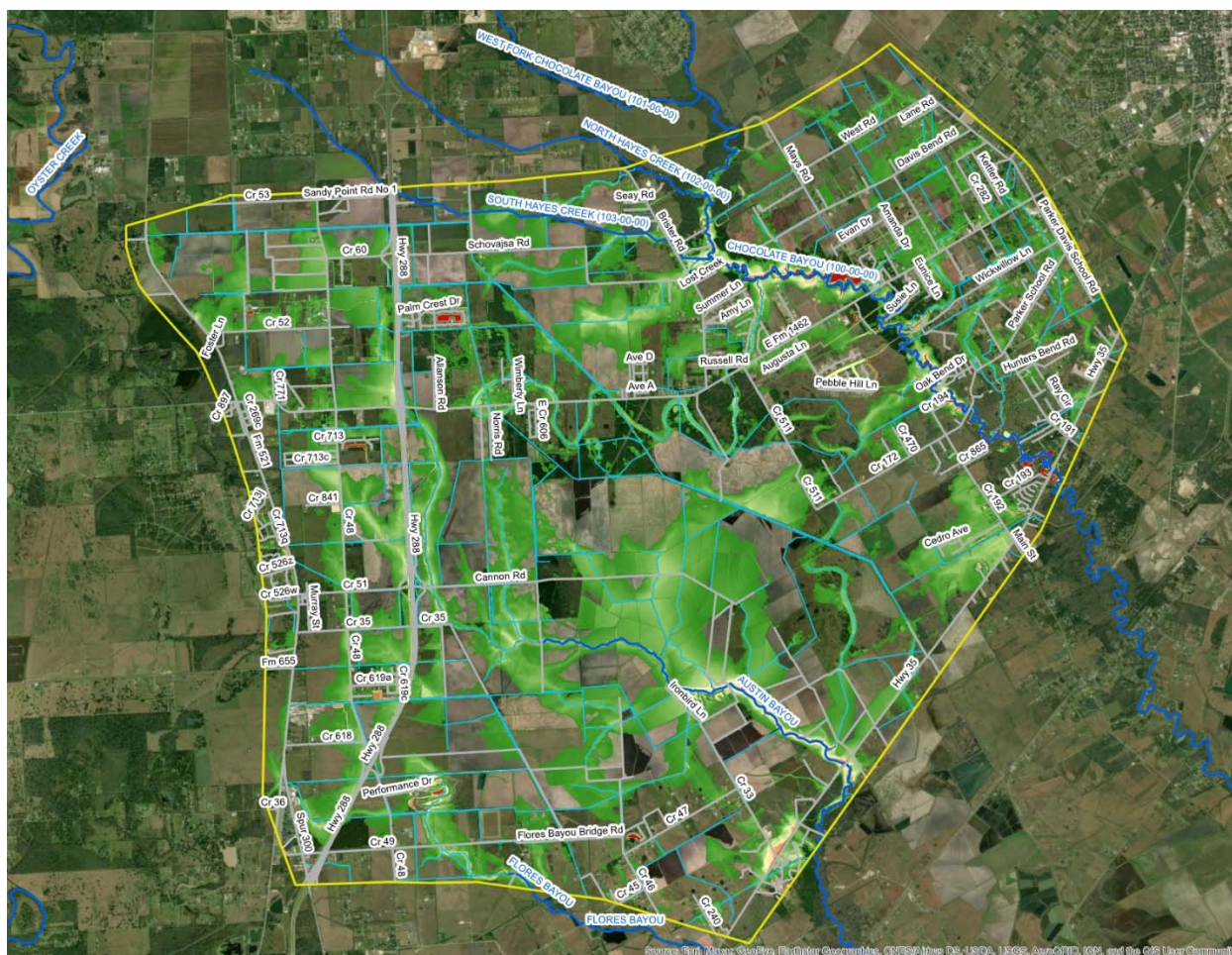


Figure 8: Minor creeks and streams (light blue) flow into the major bayous (dark blue), but outfall depth is shallow. Based on topographic modeling, the green areas represent inundation of a 100-year storm event stormwater with a depth of at least 1-foot.

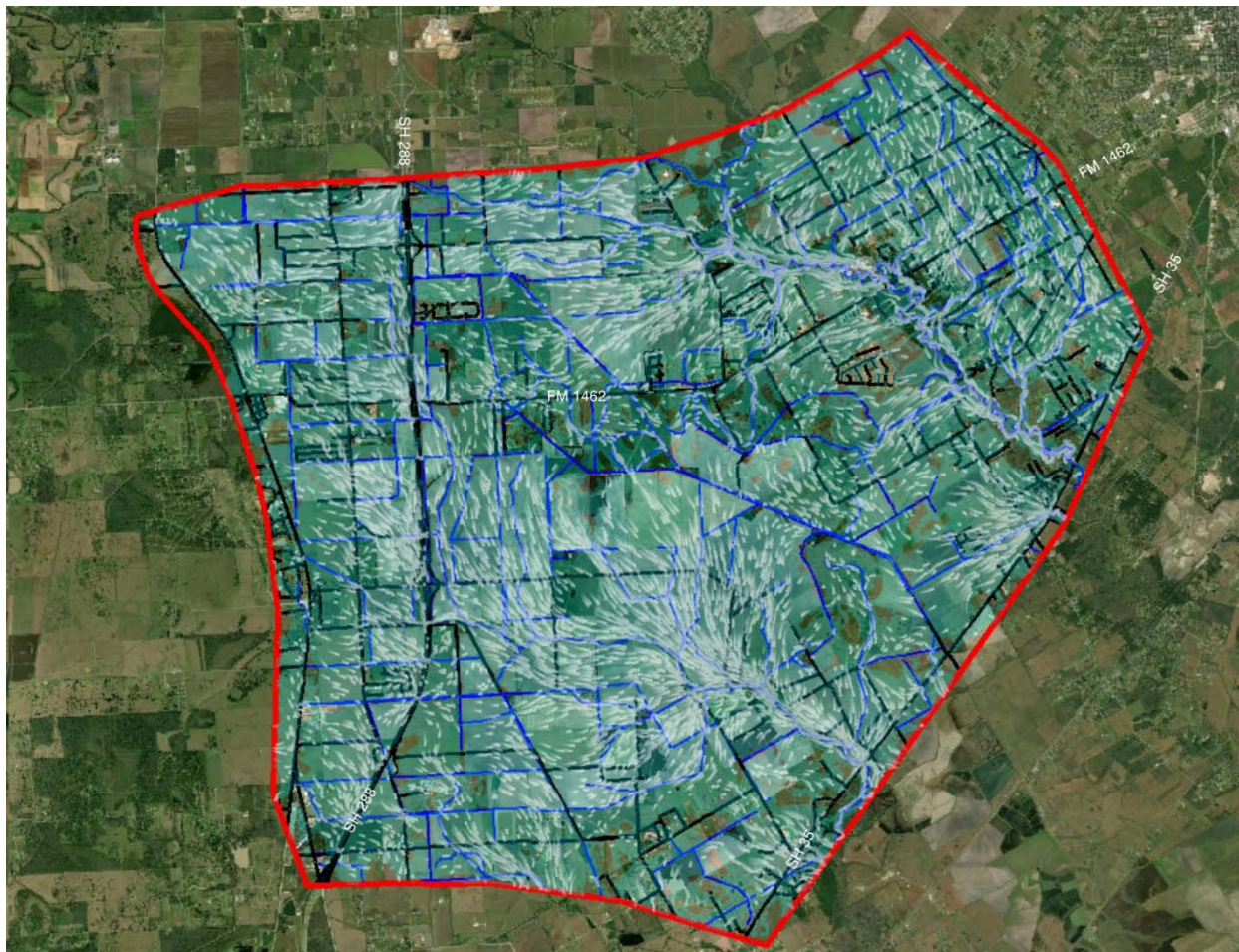


Figure 9: During a 100-year storm event, sheet flows are created which must flow eventually into one of the major bayous. This map illustrates what happens when consistent rainfall occurs over the entire study area and results in a 100-year storm event. The light blue arrows indicate direction of the sheet flows. From this depiction it is easy to understand how much of this area becomes inundated and how far the stormwater must travel to reach an outfall stream with enough depth to handle the stormwater volume.

Conceptual Drainage Recommendations:

- There are two basic methods of removing land from floodplain areas: 1) hold the rainfall where it falls and release the flows slowly over time, i.e. detention, and 2) move the stormwater downstream in large drainage channels which also provide detention capacity. Each solution has pros and cons and, in most cases, a combination of solutions is required due to property availability and outfall depths.
- Channel improvements to create both detention and outfall depth can occur on existing streams. The City or Drainage District would acquire right-of-way (ROW) from property owners on either side of each major stream to widen and provide adequate capacity for the 100-year storm event. This would consist of ROW's that are 200 – 500 feet wide in order to convey the total flow within the stream and reduce the 100-year floodplain on adjacent properties. An environmental study would be needed to ensure that the jurisdictional waters of the United

States are not impacted, and if so, stream mitigation and U.S. Army Corps of Engineers permitting would be required. Benefits from this option would be along all three bayous: Chocolate, Austin, and Flores Bayous. Barriers to such improvements would be the cost of adjacent land acquisition and necessity of performing widening before development occurs. See *Figure 10*.

- Beneficial regional detention basins could help reduce floodplains by capturing stormwater runoff from an area and restricting the flows back into the receiving streams. Strategically located basins could serve multiple land developments in lieu of individual basins for each development. Typically, these are large basins owned and constructed by a public entity in order to provide the detention benefit and encourage private land development. A program is usually set up to require impact fees be paid by those utilizing the system and benefiting from the regional solution. The impact fees help fund the construction of the regional detention basins and lessen or limit the need for detention on private land, resulting in more developable acreage.
- In order to design an efficient drainage system to increase developable acreage, maximum outfall depth is required to minimize the system footprint. Detention basins without direct access to streams need to outfall to constructed channels. Outside of the main streams, outfall depths may be too shallow when draining to roadside ditches, agriculture ditches, or poorly maintained ditches. An option for the City is to perform a thorough watershed master plan for West Alvin to identify optimum locations, alignments, and ROW widths for all publicly maintained channels and to analyze capacity and outfall depth for all areas. In accordance with such a master plan, the City could acquire ROW for channels to serve new developments and/or planned, future roadways. Additionally, such a solution would benefit existing low-lying development and potentially remove current properties from the floodplain where inundation and major stream flooding is occurring. *Refer to Figures 10 and 11.*
- The fiscal reality of regional drainage solutions may be far too much for the City or Drainage District to attempt. Building regional detention in advance of expected development would burden governmental entities with the initial expense and may not be able to occur in a timeframe that the development community seeks.
- Several properties in the West Alvin Study Area are very large tracts (four of which total approximately 12,800-acres) that will likely be developed into Master-Planned Communities (MPCs). These types of developments typically incorporate master-planned detention systems and mitigation infrastructure to provide green spaces, trails, parks, amenities, and more, while simultaneously providing the necessary flood protection. Detention basins created for MPC's are permitted through the Drainage District and are specific to each development. The expense of creating the detention facilities is borne by developers rather than the City and provides flood protection for new development as construction occurs rather than preceding it. Thus, it may be appropriate for the large MPC's to fulfill their own drainage needs
- Drainage improvements in currently developed areas would potentially remove existing homes and businesses from the floodplain. This is especially warranted on Chocolate Bayou where City or Drainage District participation in drainage improvements would help areas that are not likely to become part of a MPC.

- [illegible]

West Alvin Planning Area Study
Thoroughfares / Stormwater Drainage / Water and Wastewater

Existing										
AUSTIN BAYOU					CHOCOLATE BAYOU					
XS Letter	Top Width (ft)	Bottom Width (ft)	Depth (ft)	Peak Flow (cfs) 1%	XS Letter	Top Width (ft)	Bottom Width (ft)	Depth (ft)	Peak Flow (cfs) 1%	
AD	120	31	8.5	5375	Q	250	116	10	12530	
AE	100	20	9.5	5369	R	170	53	14	12170	
AF	95	22	9	5283	S	145	53	11	11647	
AG	120	34	5.5	5169	T	250	52	15	11640	
AH	130	26	7	4956	U	255	43	17	11616	
AI	90	24	6.5	4760	V	190	37	17.5	11665	
AJ	65	23	5.5	4543	W	200	36	22	11832	
AK	60	20	6.5	3867	X	130	49	11.5	11671	
AL	80	21	5.5	3850	Y	120	39	10	11777	
AM	120	29	6.5	3831	Z	95	58	9	11891	
AN	110	22	6	3813	Assumptions:					
1	60	20	3.5	n/a	* Depth measured 2-ft above bottom of channel in existing					
2	60	19	5	n/a	& proposed conditions					
3	90	20	5.5	n/a	* Bottom Width measured 2-ft above flow line in existing conditions					
4	75	24	4.5	n/a	* Bottom Width assumed to be 2-ft above existing channel bottom					
5	65	20	7.5	n/a	in proposed condntions					
6	70	17	7	n/a						
7	60	24	5	n/a						
Proposed (sized to contain peak flow within channel bounds)										
AUSTIN BAYOU					CHOCOLATE BAYOU					
XS Letter	Top Width (ft)	Bottom Width (ft)	Depth (ft)	Peak Flow (cfs) 1%	XS Letter	Top Width (ft)	Bottom Width (ft)	Depth (ft)	Peak Flow (cfs) 1%	
AD	258	190	8.5	5375	Q	430	350	10	12530	
AE	258	190	8.5	5369	R	420	340	10	12170	
AF	253	185	8.5	5283	S	400	320	10	11647	
AG	253	185	8.5	5169	T	400	320	10	11640	
AH	243	175	8.5	4956	U	400	320	10	11616	
AI	238	170	8.5	4760	V	400	320	10	11665	
AJ	228	160	8.5	4543	W	410	330	10	11832	
AK	203	135	8.5	3867	X	400	320	10	11671	
AL	203	135	8.5	3850	Y	410	330	10	11777	
AM	203	135	8.5	3831	Z	410	330	10	11891	
AN	198	130	8.5	3813	Chocolate Bayou Parameters:					Assumptions:
1	198	130	8.5	3813	Slope = 0.0004					*Constant depth of 10-ft
2	198	130	8.5	3813	Side slope = 4:1					
3	198	130	8.5	3813	n-value = 0.04					
4	198	130	8.5	3813						
5	198	130	8.5	3813						
6	198	130	8.5	3813						
7	198	130	8.5	3813						
Austin Bayou Parameters:			Assumptions:							
Slope = 0.0004			*Constant depth of 8.5-ft							
Side slope = 4:1			*Not lettered XS flow is equal to Lettered XS AN							
n-value = 0.04										

Figure 11: The resulting data from the previous exhibit demonstrates the dramatic widening required to improve only Chocolate and Austin Bayous. While this would potentially reduce the floodplain in the areas along the streams, it would require the City or Drainage District to acquire ROW along each side of the current stream and the build ultimate channels.

In summary, a *regional* flood planning study would be required for West Alvin in order to determine the best *regional* options to benefit future development. However, a comprehensive regional option may not be needed depending on the extent and timing of private land development activity. New development in the West Alvin area could occur before regional drainage improvements could be planned and implemented. In either scenario, combined with a regional recreation plan, the three major bayous and the secondary streams could become an interconnected trail and park network within the entire area.

Water and Wastewater Systems:

Necessary public infrastructure for future development is dependent upon a number of factors but is likely guided mostly by population projection. Much of the West Alvin Study Area is currently undeveloped so a formula is needed in order to create a population forecast. The study area boundary encompasses approximately 65,500 acres of land. For a sense of scale, a comparable sized development area would be the combination of Clear Lake City, Webster, South Shore Harbor, Kemah, Seabrook, Ellington Field and most of La Porte. In other words, this study area includes a massive amount of land which is fortunate to be served by SH 288, SH 35, and the future Grand Parkway. Projecting population growth for this area is based on land use comparisons from master planned communities and commercial centers which include warehouse distribution and light industrial uses. Such land uses are likely the predominant new development to occur in West Alvin due to the amount of developable land and proximity to excellent transportation spines.

For planning purposes, land use percentages are projected and resulting acreages calculated as follows:

Land Use	Typical Percentage	Potential Acres in West Alvin
Commercial	4-6%	2,500-3,500 acres
Distribution/Light Industrial	6-8%	3,500-5,000 acres
Rural Single Family Residential	30%	20,000 acres
MPC Single Family Residential	30%	20,000 acres
Multi-family Residential	3-5%	1,700-3,000 acres
Educational	4-6%	2,500-3,500 acres
Undevelopable Floodway	Varies	3,000 acres (FEMA source)
Required Detention	25-30%	16,000-20,000 acres

Many other land uses will eventually inhabit this area, but for simplicity, the chart above lists land uses that make up the predominance of expected development. The important resulting numbers are the acreages of land use which can inform the number of public utility connections needed in the area. Bear in mind that these are very basic assumptions which only serve to inform the city's planners on the potential if all land within the study area were developed. Clearly, such an assumption would not become reality, but as a planning tool, erring on the high end will allow informed decisions based on highest potential density.

Built into the land use percentages are assumptions particular to the West Alvin Study Area:

- Some areas may be removed from floodway and floodplain to increase developable area through detention techniques.
- Detention volume is assumed to require up to 30% of the developable land area due to potential that new drainage regulations that may take effect in the future. This percentage also includes opportunity to combine detention with linear recreation along bayous.
- Distribution and Light Industrial land uses are assumed because of proximity to existing and proposed transportation spines, as well as similar development patterns elsewhere on the Grand Parkway.

- Single Family Residential (SFR) and Multi-family Residential (MFR) development potential is strong as evidenced by continued MPC's developing on SH 288 further and further south toward West Alvin.
- The sheer size of the potential development area likely will result in at least one regional commercial center (i.e. shopping mall) and the potential for multiple smaller village centers
- SFR and MFR will generate substantial need for all school types (K-College). School campuses are growing in size and student capacity and are often grouped together to share field spaces and minimize local traffic disruption.

Extrapolating further from the potential developable acres of each land use, the potential population based on number of residential units can be projected.

Land Use	Potential Acres in West Alvin	Potential Units
Rural Single Family Residential	20,000 acres	50,000 (2.5 units/acre)
MPC Single Family Residential	20,000 acres	100,000 (5 units/acre)
Multi-family Residential	1,700-3,000 acres	42,500-120,000 (25-40 units/acre)

Thus, for planning purposes, the potential number of residents could range from approximately 200,000 to 280,000 persons. By comparison, the cities mentioned earlier (Clear Lake City, Webster, South Shore Harbor, Kemah, Seabrook, Ellington Field and of La Porte) have a total current population of approximately 227,000 persons.

Water and Wastewater Considerations:

- Plan for 200,000 to 280,000 residents plus connections needed for businesses, retail, and schools
- New development within the study area will occur in three potential drainage areas which affects where water plant and wastewater treatment facilities should be located
- Similar to detention needs for the area, public utilities may be needed by new development at a faster rate than the city can provide. A Municipal Utility District (MUD) model may be preferred as a way to provide services in a timely manner.
- The relative distance from current development in Alvin may present another barrier to regional utility facilities. However, mechanisms could be put in place for the city to take over utility provision in the future as development occurs
- New development will likely occur beginning near SH 288 since access currently exists, then move eastward as the Grand Parkway is constructed
- Local road classifications as previously recommended should include enough ROW to carry utility trunk lines, thus allowing ease of interconnectivity and distribution

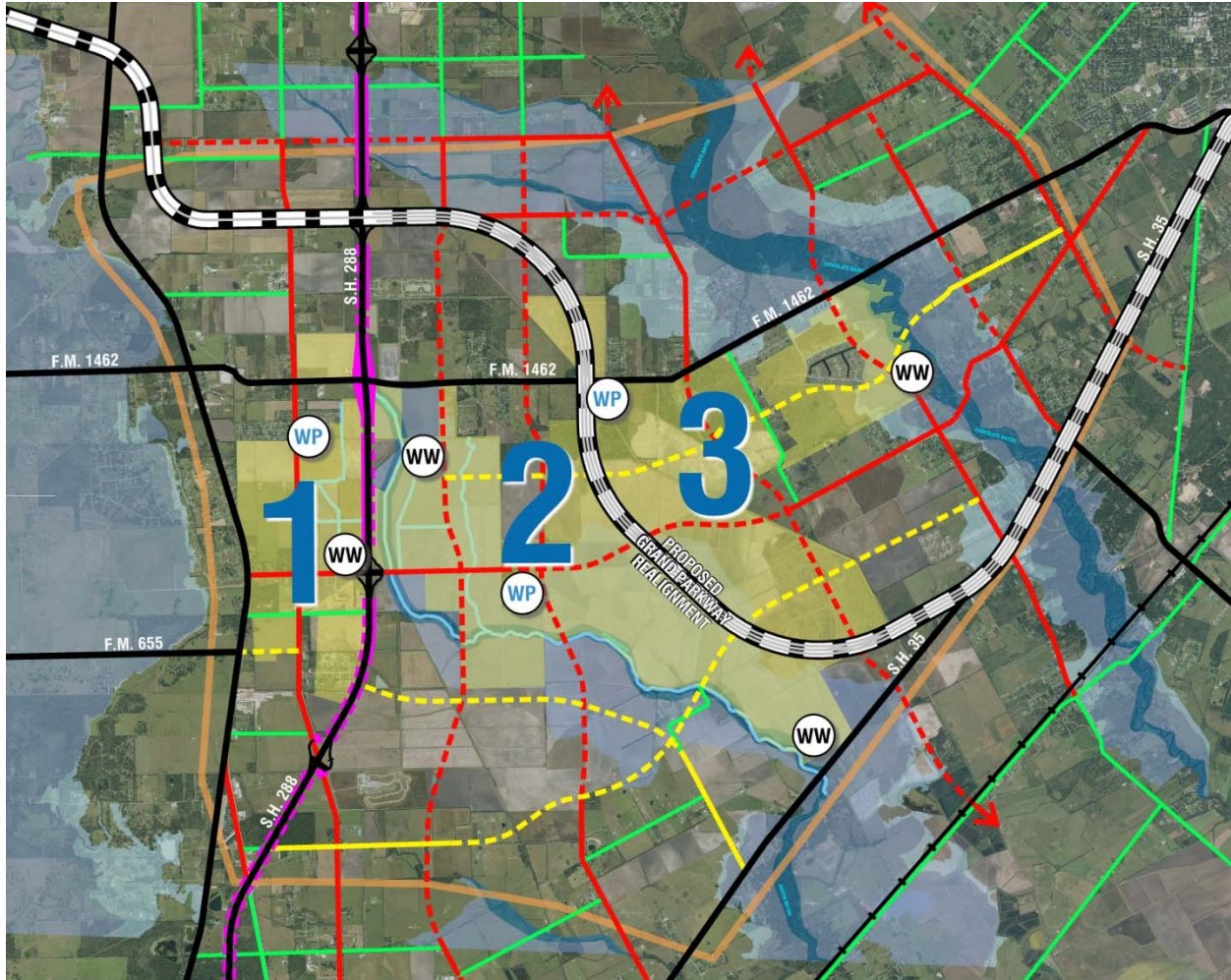


Figure 12: Potential Regional Water and Wastewater Plant locations

Water and Wastewater Recommendations:

- Figure 12 illustrates three drainage areas which have bearing on the location of regional water and wastewater plant locations
 - Area 1 is located between FM 521 and Austin Bayou
 - Area 2 is located between Austin Bayou and the future Grand Parkway
 - Area 3 is located between the Grand Parkway and Chocolate Bayou
- Figure 12 also illustrates potential water plant (WP symbol) and wastewater plant (WW symbol) locations based on topography within each drainage area
- WP and WW locations would be similar for regional utility or MUD based solutions due to the size of the major tracts of land which more or less correspond to the physical features describing the drainage areas

- Water distribution systems require pressurization. While several options exist to achieve appropriate pressurization, an opportunity exists to use a public utility necessity as a community identifier.
 - Elevated water storage tanks provide system pressurization through gravity
 - The height of such storage tanks makes them visible for great distances
 - Given that the West Alvin area lacks significant topography, an elevated storage tank could become a place marker



Figure 13: Example elevated water storage tanks with community identifying graphics

- As a community identifier, elevated storage tanks can use supergraphics and nighttime light features to draw attention.
 - New LED lighting technologies could allow for customizable displays on the upper face of the tank
- Rather than providing only water storage, thinking of a water storage tower as art or a beacon would add to the identity of West Alvin as development occurs

Study Summary:

Obviously, a population projection of 200,000 to 280,000 new residents is a transformative situation compared to the current population within Alvin and the surrounding area. The successful development of the West Alvin area is contingent upon planning for this potential outcome by beginning now to implement the strategies proposed in this study.

- Adopt the thoroughfares proposed in this study and work with Brazoria County to amend the county thoroughfare plan.
- Begin coordination with TxDOT on realigning the Grand Parkway and preparing for future intersections as proposed by this thoroughfare study.
- Amend ROW widths within city code to allow for multimodal transportation and utility corridors.
- Begin thinking about the West Alvin area as a distinct destination with a special character. The large acreage tracts are likely all beginning development soon, thus the city needs to prepare development regulations to allow the kind of development it desires while protecting against undesirable development.

- Consider parks and trails planning in conjunction with regional drainage to create a linear trails system utilizing the natural beauty found the bayou areas.
- Discuss regional detention opportunities with the development community and the Brazoria County Drainage District to determine the best option for protecting current and future residents from flooding. Regional detention and tract by tract-based detention each have pros and cons. A balanced approach is likely needed due to the sheer size of the area. Developers may provide detention for themselves while the city and drainage district improve existing drainage conditions.
- The city can use the projections in this study to estimate the potential for providing utilities in the West Alvin area. Municipal Utility Districts remove the burden of service if the city determines that it cannot or does not desire to provide services. In certain models however, the city can have the option to take on MUD facilities. Understanding how infrastructure spending should be done in advance of new MUD creation will have the city in a better position as development begins.
- Begin a theming exercise to create a distinct identity for the West Alvin area. As development occurs, tying a unique name to physical features within the area (such as trails and recreation along the bayous) will give this part of the region an identity. Being distinct from other large communities is a marketing advantage and will also distinguish it versus the character of Alvin as it exists (i.e. small city rural feel versus suburban).

End of report.



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Finance

Contact: Michael Higgins

Agenda Item: Presentation by Belt Harris Pechacek, LLLP, of the City's Annual Comprehensive Financial Report (ACFR) as of September 30, 2021; and acknowledge receipt of the 2021 ACFR.

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

Summary: As required by state statute, an independent audit has been completed by the CPA firm of Belt Harris Pechacek, LLLP, for the fiscal year ending September 30, 2021. At the end of an audit, Generally Accepted Auditing Standards mandate that auditors must express an opinion on the financial records. For FY21, the City received an unmodified opinion from the auditors – which is the highest form of assurance that our financial statements “give a true and fair view” of the City’s financial position.

Pursuant to Section 103.003 of the Texas Local Government Code, the annual financial statements, including the auditor’s opinion must be filed with the City Secretary within 180 days after the last day of the fiscal year (September 30, 2021). The ACFR, which includes the auditor’s opinion, will be presented to the Mayor and City Council, and to the City Secretary for filing.

Ben Cohen, from Belt Harris Pechacek, LLLP, will present the report. Hard copies will be provided at the meeting.

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:** 3/29/2022 SLH

Supporting documents attached:

- View the FY21 ACFR

Recommendation: Move to acknowledge receipt of the Fiscal Year 2021 Annual Comprehensive Financial Report.

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

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



City of Alvin, Texas

Annual Comprehensive Financial Report

For the Fiscal Year Ended 9/30/2021

***ANNUAL COMPREHENSIVE
FINANCIAL REPORT***

of the

CITY OF ALVIN, TEXAS

**For the Year Ended
September 30, 2021**

Official Issuing Report:

**Junru Roland
City Manager**

**Michael Higgins
Chief Financial Officer**

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CITY OF ALVIN, TEXAS

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INTRODUCTORY SECTION



CITY OF ALVIN

216 West Sealy Street • Alvin, Texas 77511 • (281) 388-4242 • FAX (281) 388-4294

March 30, 2022

Honorable Mayor, Members of City Council, and Citizens of the City of Alvin, Texas:

The Annual Comprehensive Financial Report of the City of Alvin, Texas (the “City”) for the fiscal year ended September 30, 2021 is hereby submitted. Responsibility for both the accuracy of the data and completeness and fairness of the presentation, including all disclosures, rests with management. We believe the data, as presented, is accurate in all material respects and is presented in a manner designed to present fairly the financial position and results of operations of the City as measured by the financial activity of its various funds. All disclosures necessary to enable the reader to gain the maximum understanding of the City’s financial activities have been included.

In developing and evaluating the City’s accounting system, consideration is given to the adequacy of internal accounting controls. These controls are designed to provide reasonable, but not absolute, assurance regarding the safeguarding of assets against loss from unauthorized use or disposition, and the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived, and the evaluation of costs and benefits requires estimates and judgments by management. We believe that the City’s current system of internal controls adequately safeguards assets and provides reasonable assurance of proper recording of financial transactions.

As required by the City’s charter, the financial statements have been audited by Belt Harris Pechacek, LLLP, a firm of certified public accountants. The goal of the independent audit was to provide reasonable assurance that the financial statements of the City for the fiscal year ended September 30, 2021 are free from material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by management; and evaluating the overall financial statement presentation. The independent auditors concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that the City’s financial statements for fiscal year ended September 30, 2021 are presented in conformity with generally accepted accounting principles (GAAP).

The Annual Comprehensive Financial Report is presented in three sections: Introductory, Financial, and Statistical. The introductory section includes this transmittal letter, the City’s organizational chart, the Certificate of Achievement for Excellence in Financial Reporting, and the Principal Officials. The financial section includes the auditors’ report on the financial statements, a narrative introduction, overview and analysis required by GAAP in the form of the Management’s Discussion and Analysis (“MD&A”), the basic financial statements, fund financial statements, combining and individual financial statements and schedules, and other statements. This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it. The City’s MD&A can be found immediately following the report of the independent auditors. The statistical section includes selected unaudited financial and demographic information generally presented on a multi-year basis.

PROFILE OF THE GOVERNMENT

The City of Alvin is located in the southern part of Texas, which is considered to be one of the fastest growing areas of the state. The City occupies an area of approximately 15 square miles and services a population of 27,098. The City is empowered to levy a property tax on both real and personal properties located within its boundaries. It is also empowered by state statute to extend its corporate limits by annexation.

The City operates under the council-manager form of government. Policy-making and legislative authority are vested in a governing body consisting of the Mayor and seven council members. The governing body is responsible, among other things, for passing ordinances, adopting the budget, appointing committees, and hiring both the government's manager and attorney. The governing body also approves the selection of department heads. The government's manager is responsible for carrying out the policies and ordinances of the governing body and for overseeing the day-to-day operations of the government. The council is elected on a non-partisan basis. Council members serve three-year staggered terms. The Mayor is elected to serve a three-year term. Five of the council members are elected by single member districts. The Mayor and two remaining council members are elected at large.

The City provides a full range of services including police and fire protection, the construction and maintenance of streets and other infrastructure, and recreational activities. Through enterprise fund operations, the government also provides Emergency Medical Services (EMS), water and sewer services, and sanitation services.

The annual budget serves as the foundation for the City's financial planning and control. All departments of the City submit requests for appropriation to the City Manager each year in April. The City Manager uses these requests as the starting point for developing a proposed budget. The City Manager then presents the proposed budget to the council for review by July 31. Senate Bill 2, enacted as part of the 86th Texas Legislature, was approved in 2019 as part of the Property Tax and Reform and Relief Act of 2019, has four main goals: (1) lower the rollback rate from 8 percent to 2.5 percent for the largest taxing units in the state; (2) require an automatic tax ratification election if the rollback rate is exceeded, eliminating the petition requirement in current statute; (3) make information about the tax rates proposed by local taxing units more accessible to property owners and more timely; and (4) make it easier for property owners to express their opinions about proposed tax rates to local elected officials before tax rates are adopted. As part of Senate Bill 2, changes in adoption dates and public hearing were implemented based on how the adopted tax rate compares to the voter approval rate. By September 29, the budget and tax adoption must be approved by City Council. The appropriated budget is prepared by fund and department (e.g., police). Department heads may make transfers of appropriations within a department with approval from the City Manager. Supplemental appropriations for departments, however, require the special approval of the governing body. Budget-to-actual comparisons are provided in this report for each individual governmental fund for which an appropriated annual budget has been adopted.

For the general fund, this comparison is presented on page 92 as part of the Required Supplementary Information.

For governmental funds, other than the general fund, with appropriated annual budgets, this comparison is presented in the governmental fund subsection of this report, which starts on page 107 for the debt service fund and page 118 for the nonmajor special revenue funds and permanent fund.

ECONOMIC CONDITION

"A city government with individuals who, through cooperation, teamwork and pride, serve to provide the highest level of service to its community." This mission statement is what guides the City staff as they go about working for the community. Our strategic partners, from the public to private sector, are invaluable to Alvin and volunteer organizations are part of the life blood that continues to bring quality events to the community.

The 2035 Comprehensive Plan states, "Downtown Alvin is a unique asset and with many of the other cities and towns in the region lacking a historic downtown district, Alvin's downtown can differentiate itself and play a critical role in attracting and retaining young adults". Three new businesses opened in downtown within the last year offering new retail opportunities for the community including an event venue, clothing boutique and a new restaurant. The Downtown Alvin Revitalization Team continues to improve efforts to revitalize the downtown district. Included is the Business Improvement Grant Program that was established in 2017 to encourage the renovation and beautification of businesses in the downtown Alvin area. The grant program is currently available to businesses that are located in the downtown development area of Alvin, as well as along Gordon Street from State Highway 6 to FM 1462. Given the success of the grant program since its inception, the guidelines were revised

to allow for assistance to help defer the costs of moving an existing business to a vacant downtown storefront, or to assist a new business that will occupy a vacant building to include the consideration of internal improvements to facilities in the defined downtown area. These considerations will help promote the development and expansion of new and existing business enterprises and attract more people to the downtown area that will generate additional sales and activity within the downtown area of the City.

The Alvin Convention and Visitors Bureau is sponsoring the 29th annual Tour de Braz on April 9, 2022. This is a multilevel bike ride from 34 to 100-mile routes. The riding portion of the 2021 event was held and sponsors donated their funds toward the Alvin Volunteer Fire Department. There were over 400 riders that participated in 2021. Proceeds this year will continue to go toward the Alvin Volunteer Fire Department to help fund more equipment to assist the many volunteers who help protect our community.

The City completed the expansion of the Alvin Historical Museum in April 2020. Included is the new Nolan Ryan baseball exhibit area, interior renovations to house a new children's toy exhibit, an Alvin sports history exhibit, and a new touchscreen display for multiple informational videos. Also included was the relocation and upgrade of the Nolan Ryan statue formerly in front of City Hall. The museum continues with its part-time staff that allows for more open hours of operation to the public.

The community maintained growth momentum with 325 new residential homes constructed in fiscal year 2021. The value for new residential permits equaled \$64.38 million. Along with construction in existing neighborhoods of Mustang Crossing, Kendall Lakes, Midtown Park, Martha's Vineyard and Forest Heights, new subdivisions started were Mustang Ridge and Imperial Forest. A new proposed residential development will be adding 233 residential homes and includes an in-city municipal utility district (MUD) 81. Another proposed residential development would create 122 single-family patio homes to be partially financed through a Public Improvement District (PID).

New commercial construction permits in 2021 equaled \$7.06 million in value. Additionally, the value for remodels/additions/etc. of commercial permits equaled \$33.74 million. New commercial projects for fiscal year 2021 include The Venue on Sealy, Grace Pizza & Shakes, ZOMADD Boutique, Burkes Outlet, HCA Healthcare, Big Axe Bar & Grill, Panda Express, TEArific Moment Cafe, and Texas Mattress Outlet.

The City of Alvin received a \$220,000 fire truck grant from the Texas A&M Forest Service's, Rural Volunteer Fire Department Assistance Program HB2604. Along with City funds, a 1,000-gallon tanker/pumper was purchased at a total cost of \$609,000. The application process for this grant started in 2012, the award was received in 2020 and the payment for the truck was in 2021. This truck will be delivered in FY22 and used for fire protection in the 100 square mile area the Alvin Volunteer Fire Department protects.

MAJOR INITIATIVES AND LONG-TERM FINANCIAL PLANNING

The 2035 Comprehensive Plan, adopted by City Council in 2014, continues to provide the city with projects for implementation. Many projects are now inside our Capital Improvement Plan. Progress reports are generated on a quarterly basis and can found on the City's Engineering Department web page.

One major project that will have long-term community effects that is the new Fire and EMS Station at the corner of Bellaire Boulevard and South Street. This facility is replacing the existing Fire Station #1 as well as the existing EMS Station. Compelling reasons to construct a new station include, but are not limited to, expanding service coverage to the south and east quarters of the fire department's response territory, reducing response time, providing better access to the City's major thoroughfares, and increasing geographical access to calls for service. The two existing stations lack sufficient windstorm ratings, have inadequate sleeping quarters for staff, have no room for future growth, have limited physical usage, and have bays that are too small for the existing apparatus used.

The City continues to be dedicated to annually funding roadway improvements. Several projects include several miles of asphalt street rebuilding, and sidewalk enhancements. Road projects include the extension of FM 528 from Gordon Street to State Highway 6 to be funded from federal/local assistance programs, the removal and replacement of concrete pavement, and the installation of associated storm pipes, inlets, manholes and sidewalks.

Water line improvements and drainage improvements have been a key part of the Capital Improvements Program. A total of \$10.2 million is currently underway for water line improvements for phases 1, 2, 3 and 4. These include new 10-inch, 8-inch, and 6-inch water lines along various locations from State Highway 6, State Highway 35 Bypass, Sealy Street, Second Street, House Street, Bayou Drive, South Street, Gordon Street, Blum Street, Johnson Street, South Street, and Callaway Drive. The replacement of the existing water lines will increase available fire flow capacity, improve water quality, and increase water system connectivity between the City's water plants. Drainage improvements totaling \$5.5 million are underway for Moller Road and Durant Street to add storm sewer systems, concrete curbs, gutter pavements and sidewalks.

The expansion of the City's wastewater system and capacity is a major need of the City as there is a growing demand for capacity as well as maintenance. Over \$100 million dollars over the next 5-6 years is being planned to address the City's many wastewater needs. An evaluation of the City's Wastewater Treatment Plant (WWTP) and development of a facility plan to identify improvements over a 5-year, 10-year, and 20-year planning period is underway. This evaluation will use wastewater flow projections from the Wastewater Master Plan Update. The following prioritized wastewater projects are currently in process:

- Lift Station #23 Expansion - \$21.6 million. Pumping capacity will be expanded from 2.02 million gallons per day (MGD) to 9 MGD, eliminate Lift Stations #15 and #16, and replace approximately 24,720 linear feet of sanitary gravity mains.
- Lift station #30 and Highway 35 Bypass Gravity Mains - \$10.7 million. This project expands the lift station from a firm pumping capacity of 4.1 MGD to 11.7 MGD. It includes a new 24 inch force main and upsizing of the gravity lines to 36 inches. The existing 30 inch gravity lines do not have enough capacity to convey the projected 2035 peak wastewater flows.
- 54" Eastside Interceptor - \$18.6 million. This project includes the construction of a 54 inch wastewater line from Highway Bypass 35 to the Wastewater Treatment Plant (WWTP). Models showed the existing 27 inch and 33 inch wastewater lines do not have enough capacity to convey existing peak flows to the plant. Constructing a single line in place of the two undersized lines will allow for easier system operations and less maintenance.
- Water Plant #6 Tank Replacement - \$2.9 million. This project consists of decommissioning and the removal of three existing 0.43 MGD bolted steel ground water storage tanks and the addition of a new 1.5 MGD concrete ground storage tank at Water Plant #6 located along Heights Road near Brazos Street.
- Water Plant #4 Tank Replacement - \$3.9 million. This project will decommission the existing 0.21 and 0.43 MGD ground storage tanks and add a new 1.0 MG ground storage tank. Steel storage tanks are prone to corrosion, structural steel repair, roof replacement, and require regular maintenance such as recoating approximately every ten years. The life cycle cost of steel tank maintenance far outweighs the initial capital cost of a new concrete GST. This project's design phase has been completed and is slated to be completed in FY23 using \$3.8 million of ARPA funds for construction.

AMERICAN RESCUE PLAN ACT OF 2021

The American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package or American Rescue Plan ("ARP"), is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law on March 11, 2021. Costs must be incurred from March 2021 to December 31, 2024. Direct payment to the non-entitlement units of local government with populations under 50,000 are set to receive the state's allocation based

on population with two equal payments made. The City of Alvin's allocation is \$6.6 million of which \$3.3 million was received at the end of FY21 and the other half is to be received in late FY22.

The use of the ARP funds can only be used for the following statutory categories:

- To respond to the COVID-19 public health emergency or its negative economic impacts;
- To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work;
- For the provision of government services, to the extent of the reduction in revenue of such recipients due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency, and to make necessary investments in water, sewer, or broadband infrastructure.

The City is currently in the process of reviewing potential projects that meet these categories. Once the projects have been reviewed for financial and programmatic compliance, and properly procured, an assigned start date will be designated. The City of Alvin anticipates for these projects to offset otherwise budgeted needs in upcoming fiscal years.

COVID PANDEMIC

The Alvin economy has been extremely resilient since the onset of the Covid-19 pandemic. Many of Alvin's larger taxpayers have remained open over the past two years. Residential and commercial growth remains strong as developers continue expansion projects throughout the Houston area. The City of Alvin reported that 325 residential properties were constructed during 2021, adding roughly \$64.38 million to the City's tax base."

THE FUTURE IS BRIGHT

It is easy to see all the years of planning and implementation have created a community one would be proud to call home.

For the lifelong learners, we are proud to have Alvin Community College here providing many educational and cultural activities for all ages. From music, to sports, to continuing education programs, citizens enjoy coming together on campus. Many take advantage of the walking trails that lead over to the Thelma Lee Anderson YMCA, a first-class center for all ages. Conveniently located to these two outstanding amenities is the 46-acre disc golf course at Briscoe Park. The course covers over forty acres and is the only course in the country designed entirely for night time play, featuring state of the art LED lighting throughout all eighteen holes. The course also features an award winning nature trail. The trail is approximately one mile long taking users on a tranquil and scenic journey throughout the course even connecting with existing trails at Briscoe Park and Alvin Community College.

Pearson Park is located at 2200 Westpark Drive, and is home to the Alvin Girls Softball Association which also hosts many local and state tournaments. The field lighting on eight softball fields and one multi-purpose field were replaced as a total cost of \$1.3 million. The previous lighting system utilized 1500-watt metal halide light fixtures mounted upon wooden poles and many of the wooden poles were bending and twisting along with most pole mounted electrical components. This traditional sports lighting is very costly compared to new LED fixtures. At Pearson Park, new energy efficient LED athletic field lighting with state of the art control system replaced the twenty year old lighting system at each of the nine athletic fields.

Other improvements at Hugh Adams Park included seven new shade structures and a large canopy providing comfort and sun protection to park users. In addition, sport courts at Briscoe, Pearson, Sealy and Newman Park were coated and striped which refreshed the look and enhancing playability. Rounding out completed park projects, the basketball court at Ruben Adame Park was expanded from a half court to a full regulation size court. Facility infrastructure projects include building automation systems and HVAC equipment installed at City Hall and Senior Center.

Texas Department of Transportation (TxDOT) continues to construct the remaining components of State Highway 99 (the “Grand Parkway”). TxDOT has completed the new traffic counts and has commissioned the traffic and revenue study to determine the best funding mechanism for the project. The tollway will utilize the existing right-of-way through Alvin and connect two major highways, linking hundreds of thousands of people to this community.

RELEVANT FINANCIAL POLICIES

It is the goal of the City to achieve and maintain an unassigned general fund balance equal to 25% of expenditures. The City considers a balance of less than \$1,500,000 to be cause for concern, barring unusual or deliberate circumstances. Also, it is the goal of the City to achieve and maintain an unassigned general debt service fund balance equal to 50% of annual debt payments.

AWARDS AND ACKNOWLEDGEMENTS

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Alvin for its Annual Comprehensive Financial Report for the fiscal year ended September 30, 2020. This was the nineteenth consecutive year that the government has received this prestigious award. In order to be awarded a Certificate of Achievement, the government published an easily readable and efficiently organized Annual Comprehensive Financial Report. This report satisfied both GAAP and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current Annual Comprehensive Financial Report continues to meet the Certificate of Achievement Program requirements and we are submitting it to GFOA to determine its eligibility for another certificate.

In addition, the government also received the GFOA Distinguished Budget Presentation Award for its annual budget document for the fiscal year beginning October 1, 2020. In order to qualify for the Distinguished Budget Presentation Award, the government’s budget document was judged to be proficient as a policy document, a financial plan, an operation guide, and as a communication device.

The preparation of this report would not have been possible without the efficient and dedicated services of the entire staff of the finance department. We would like to express our appreciation to all members of the department who assisted and contributed to the preparation of this report. Credit also must be given to the Mayor and the City Council for their unfailing support for maintaining the highest standards of professionalism in the management of the City of Alvin’s finances.

Respectfully submitted,



Junru Roland
City Manager

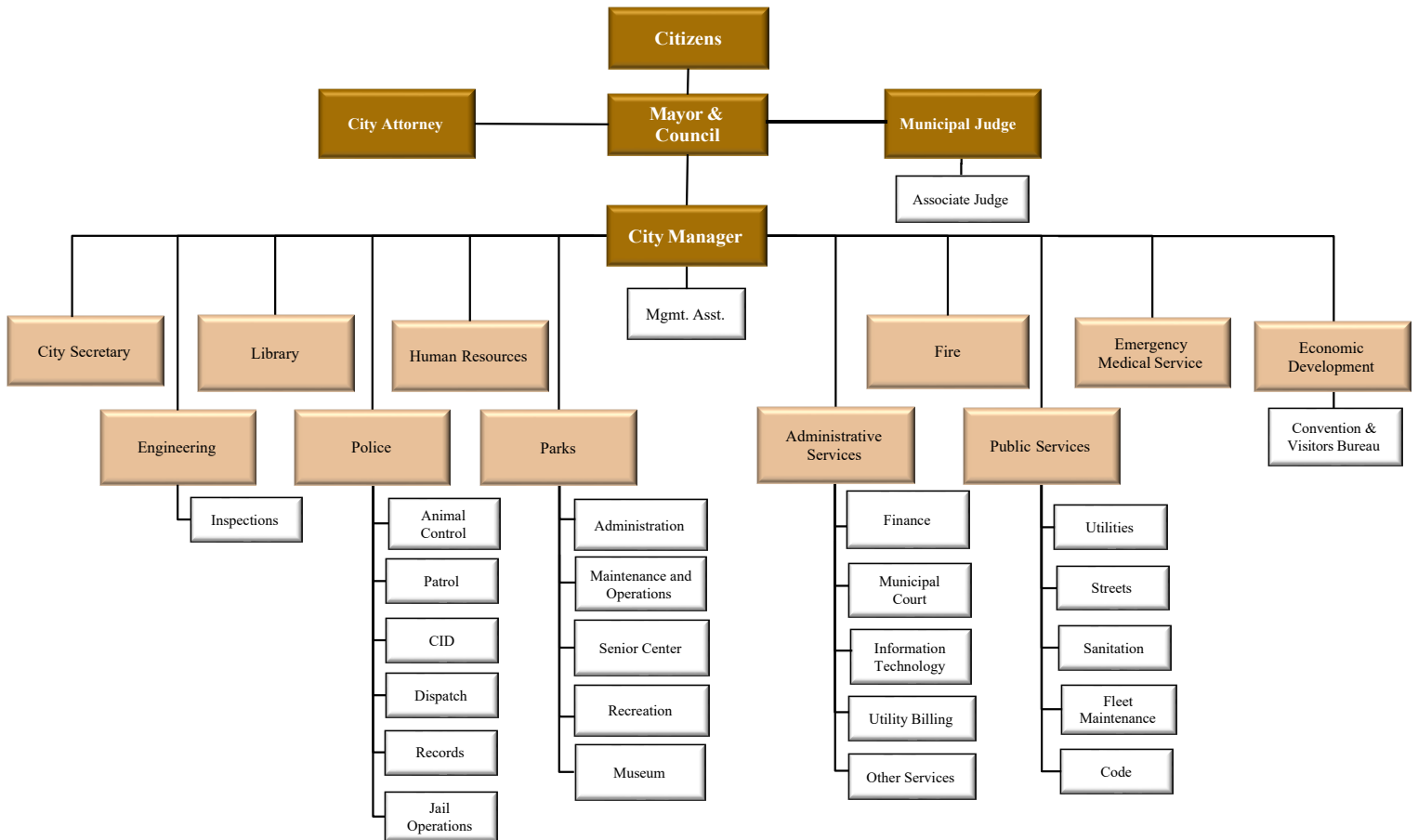


Michael Higgins
Chief Financial Officer

CITY OF ALVIN, TEXAS

ORGANIZATIONAL CHART

September 30, 2021



CITY OF ALVIN, TEXAS
CERTIFICATE OF ACHIEVEMENT FOR
EXCELLENCE IN FINANCIAL REPORTING



Government Finance Officers Association

**Certificate of
Achievement for
Excellence in
Financial
Reporting**

Presented to

**City of Alvin
Texas**

For its Annual Comprehensive
Financial Report
for the Fiscal Year Ended

September 30, 2020

Christopher P. Morill

Executive Director/CEO

CITY OF ALVIN, TEXAS
PRINCIPAL OFFICIALS
September 30, 2021

City Officials	Elective Position	Term Expires
Paul Horn	Mayor	2023
Martin Vela	Council Member - District A	2022
Chris Vaughn	Council Member - District B	2024
Richard Garivey	Mayor Pro Tem, Council Member - District C	2024
Glenn Starkey	Council Member - District D	2022
Gabe Adame	Council Member - District E	2023
Keko Moore	Council Member - At Large 1	2024
Joel Castro	Council Member - At Large 2	2022

Key Staff	Position
Junru Roland	City Manager
Michael Higgins	Chief Financial Officer
Dixie Roberts	City Secretary
Mo Ghuneim	Municipal Court Judge
Suzanne Hanneman	City Attorney
Rex Klesel	Fire Administrator
Brandon Moody	Director of Public Services
Michelle H. Segovia	City Engineer
Robert Lee	Police Chief
Dan Kelinske	Director of Parks and Recreation
Ron Schmitz	EMS Director
Josh Dearing	Director of Economic Development

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FINANCIAL SECTION

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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and
City Council Members of the
City of Alvin, Texas:

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Alvin, Texas (the "City") as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of September 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, budgetary comparison information, schedules of changes in net pension and total other postemployment benefits liability and related ratios, schedule of the City's proportionate share of the net pension liability, and schedules of contributions, identified as Required Supplementary Information on the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining statements and schedules, other statements, and statistical section are presented for purposes of additional analysis and are not required parts of the basic financial statements.

The combining statements and schedules and other statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining statements and schedules and other statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

BELT HARRIS PECHACEK, LLP

Belt Harris Pechacek, LLP
Certified Public Accountants
Houston, Texas
March 30, 2022

***MANAGEMENT'S DISCUSSION
AND ANALYSIS***

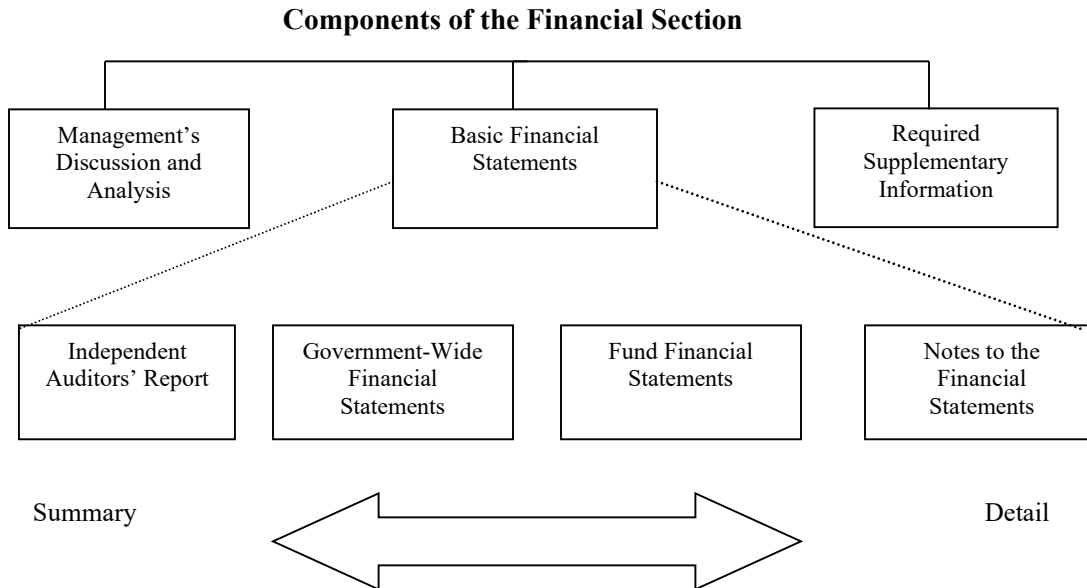
CITY OF ALVIN, TEXAS

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Year Ended September 30, 2021

The purpose of the Management's Discussion and Analysis (MD&A) is to give the readers an objective and easily readable analysis of the financial activities of the City of Alvin, Texas (the "City") for the year ending September 30, 2021. The analysis is based on currently known facts, decisions, or economic conditions. It presents short and long-term analysis of the City's activities, compares current year results with those of the prior year, and discusses the positive and negative aspects of that comparison. Please read the MD&A in conjunction with the transmittal letter at the front of this report and the City's financial statements, which follow this section.

THE STRUCTURE OF OUR ANNUAL REPORT



The City's basic financial statements include (1) government-wide financial statements, (2) individual fund financial statements, and (3) notes to the financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Statements

The government-wide statements report information for the City as a whole. These statements include transactions and balances relating to all assets, including infrastructure capital assets. These statements are designed to provide information about cost of services, operating results, and financial position of the City as an economic entity. The Statement of Net Position and the Statement of Activities, which appear first in the City's financial statements, report information on the City's activities that enable the reader to understand the financial condition of the City. These statements are prepared using the *accrual basis of accounting*, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account even if cash has not yet changed hands.

The Statement of Net Position presents information on all of the City's assets, liabilities, and deferred outflows/inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. Other nonfinancial factors, such as the City's property tax base and the condition of the City's infrastructure, need to be considered in order to assess the overall health of the City.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

The Statement of Activities presents information showing how the City's net position changed during the most recent year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows – the accrual method rather than modified accrual that is used in the fund level statements.

The Statement of Net Position and the Statement of Activities divide the City's financials into two classes of activities:

1. *Governmental Activities* – Most of the City's basic services are reported here including police and fire protection, municipal court, streets, drainage, leisure services, community development, and general administrative services. Interest payments on the City's debt are also reported here. Sales tax, property tax, franchise fees, municipal court fines, and permit fees finance most of these activities.
2. *Business-Type Activities* – Services involving a fee for those services are reported here. These services include the City's water and sewer services, solid waste collection, and emergency medical services.

The government-wide financial statements can be found after the MD&A.

FUND FINANCIAL STATEMENTS

Funds may be considered as operating companies of the parent corporation, which is the City. They are usually segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance related legal reporting requirements. The two categories of City funds are governmental and proprietary.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as *on balances of spendable resources* available at the end of the year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City maintains 19 individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund (considered a nonmajor fund for reporting purposes, but the City has elected to present as major due to its significance), the sales tax capital projects fund, and the bond capital projects fund, which are considered to be major funds.

The City adopts an annual appropriated budget for its general fund, debt service fund, and select special revenue funds. Budgetary comparison schedules have been provided for these funds to demonstrate compliance with these budgets.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Proprietary Funds

The City maintains two types of proprietary funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water and sewer system, sanitation, and emergency medical services. The proprietary fund financial statements provide separate information for the water and sewer system, sanitation, and emergency medical services. The basic proprietary fund financial statements can be found in the basic financial statements of this report.

The City also uses internal service funds to account for its vehicle maintenance, vehicle replacement, information technology maintenance, computer replacement services, and building maintenance. These internal service funds have been included within governmental activities in the government-wide financial statements.

Notes to Financial Statements

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes are the last section of the basic financial statements.

Other Information

In addition to the basic financial statements, MD&A, and accompanying notes, this report also presents certain Required Supplementary Information (RSI). The RSI includes a budgetary comparison schedule for the general fund, schedules of changes in net pension and total other postemployment benefits liability and related ratios for Texas Municipal Retirement System (TMRS), schedule of the City's proportionate share of the net pension liability for Texas Emergency Services Retirement System (TESRS), and schedules of contributions for both TMRS and TESRS. RSI can be found after the notes to the basic financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of the City's financial position. Assets and deferred outflows of resources exceed liabilities and deferred inflows by \$109,561,573 as of September 30, 2021. The largest portion of the City's net position, 56.1 percent, reflects its investment in capital assets (e.g., land, building, equipment, improvements, construction in progress, and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the assets themselves cannot be used to liquidate these liabilities.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Statement of Net Position

The following table reflects the condensed Statement of Net Position:

	Governmental Activities		Business-Type Activities		Total Primary Government	
	2021	2020	2021	2020	2021	2020
Current and other assets	\$ 45,808,253	\$ 47,600,425	\$ 58,712,907	\$ 41,662,355	\$ 104,521,160	\$ 89,262,780
Capital assets, net	56,541,598	50,384,912	47,854,439	41,680,783	104,396,037	92,065,695
Total Assets	102,349,851	97,985,337	106,567,346	83,343,138	208,917,197	181,328,475
Deferred outflows - pensions	1,582,959	1,562,004	381,020	362,486	1,963,979	1,924,490
Deferred outflows - OPEB	139,626	91,688	36,048	23,337	175,674	115,025
Deferred loss on refunding	105,377	117,405	1,035,134	1,122,028	1,140,511	1,239,433
Total Deferred Outflows of Resources	1,827,962	1,771,097	1,452,202	1,507,851	3,280,164	3,278,948
Long-term liabilities	32,306,502	34,360,782	57,545,374	42,690,143	89,851,876	77,050,925
Current liabilities	5,571,593	2,577,794	4,918,876	2,449,397	10,490,469	5,027,191
Total Liabilities	37,878,095	36,938,576	62,464,250	45,139,540	100,342,345	82,078,116
Deferred inflows - pensions	1,457,659	1,643,842	319,463	368,993	1,777,122	2,012,835
Deferred inflows - OPEB	44,411	43,888	12,866	12,727	57,277	56,615
Deferred gain on refunding	427,012	469,714	32,032	33,916	459,044	503,630
Total Deferred Inflows of Resources	1,929,082	2,157,444	364,361	415,636	2,293,443	2,573,080
Net Position:						
Net investment in capital assets	37,583,442	37,105,901	23,865,249	20,040,310	61,448,691	57,146,211
Restricted	13,911,292	12,531,511	888,576	893,313	14,799,868	13,424,824
Unrestricted	12,875,902	11,023,002	20,437,112	18,362,190	33,313,014	29,385,192
Total Net Position	\$ 64,370,636	\$ 60,660,414	\$ 45,190,937	\$ 39,295,813	\$ 109,561,573	\$ 99,956,227

A portion of the City's net position, \$14,749,868 or 13.5 percent, represents resources that are subject to external restriction on how they may be used. The remaining balance of unrestricted net position, \$33,313,014 or 30.4 percent, may be used to meet the City's ongoing obligation to citizens and creditors.

The City's total net position increased by \$9,605,346 as compared to the prior year which is from a surplus for governmental and business-type activities. Current and other assets increased compared to the prior year due mostly to an increase from money from bond proceeds from issuance of debt and funding from grant awards that remained unspent. The increase in capital assets was primarily from the increase in construction in progress. Current liabilities increased mostly due the unspent grant awards that was unearned at the end of the fiscal year. Long-term liabilities increased from the prior year due largely to new debt issued in the current year.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Statement of Activities

The following table provides a summary of the City's changes in net position:

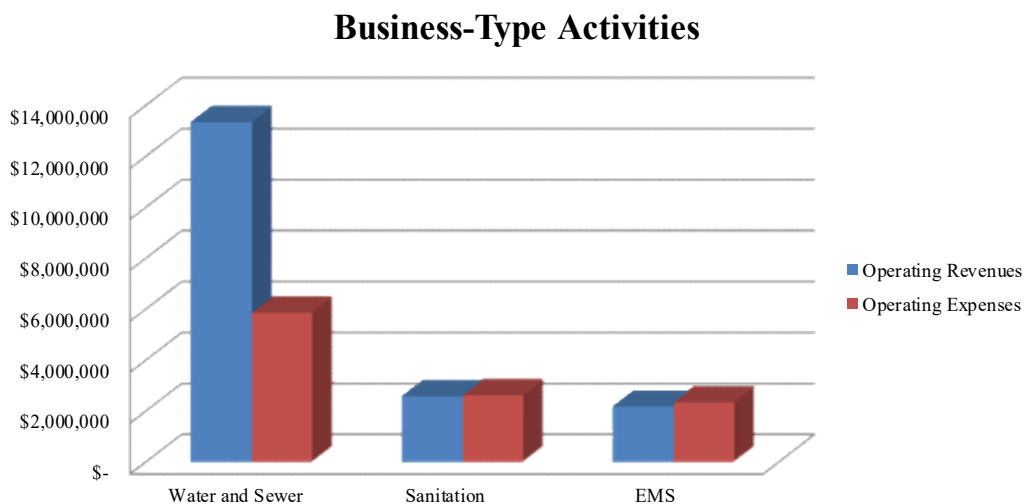
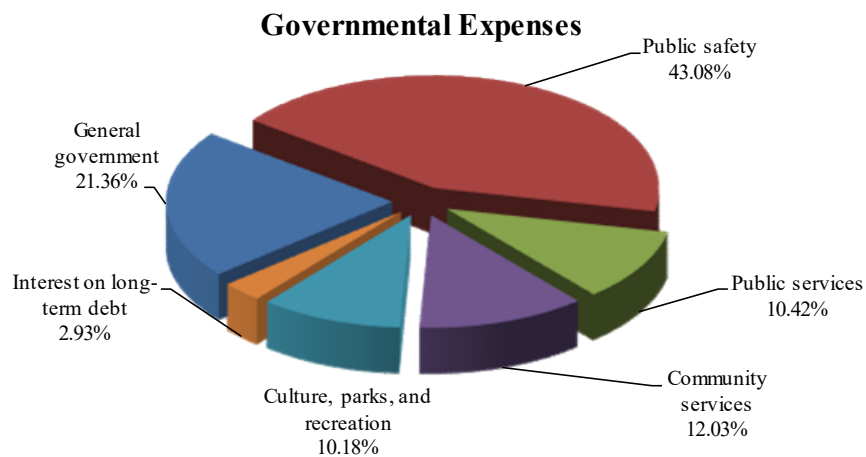
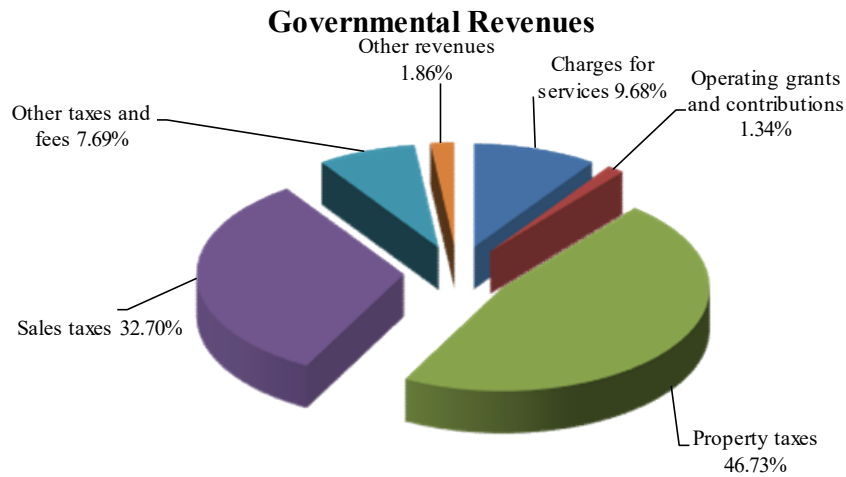
	Governmental Activities		Business-Type Activities		Total Primary Government	
	2021	2020	2021	2020	2021	2020
Revenues						
Program revenues:						
Charges for services	\$ 2,593,510	\$ 2,253,025	\$ 18,169,227	\$ 16,371,147	\$ 20,762,737	\$ 18,624,172
Operating grants and contributions	359,526	2,086,482	575,606	429,354	935,132	2,515,836
Capital grants and contributions	-	697,971	-	-	-	697,971
General revenues:						
Property taxes	12,523,798	11,487,085	-	-	12,523,798	11,487,085
Sales taxes	8,762,693	8,610,813	-	-	8,762,693	8,610,813
Other taxes and fees	2,062,121	2,128,227	-	-	2,062,121	2,128,227
Other revenues	499,187	444,587	71,266	376,550	570,453	821,137
Total Revenues	26,800,835	27,708,190	18,816,099	17,177,051	45,616,934	44,885,241
Expenses						
General government	4,931,118	4,977,305	-	-	4,931,118	4,977,305
Public safety	9,938,797	9,561,365	-	-	9,938,797	9,561,365
Public services	2,405,583	2,172,411	-	-	2,405,583	2,172,411
Community services	2,776,722	2,335,533	-	-	2,776,722	2,335,533
Culture, parks, and recreation	2,350,526	2,045,279	-	-	2,350,526	2,045,279
Interest and fiscal agent fees	675,680	780,269	-	-	675,680	780,269
Water and sewer	-	-	7,919,361	7,052,003	7,919,361	7,052,003
Sanitation	-	-	2,649,550	2,362,710	2,649,550	2,362,710
EMS	-	-	2,364,251	2,262,389	2,364,251	2,262,389
Total Expenses	23,078,426	21,872,162	12,933,162	11,677,102	36,011,588	33,549,264
Increase in Net Position Before Transfers	3,722,409	5,836,028	5,882,937	5,499,949	9,605,346	11,335,977
Transfers in (out)	(12,187)	1,160,660	12,187	(1,160,660)	-	-
Change in Net Position	3,710,222	6,996,688	5,895,124	4,339,289	9,605,346	11,335,977
Beginning net position	60,660,414	53,663,726	39,295,813	34,956,524	99,956,227	88,620,250
Ending Net Position	\$ 64,370,636	\$ 60,660,414	\$ 45,190,937	\$ 39,295,813	\$ 109,561,573	\$ 99,956,227

CITY OF ALVIN, TEXAS

MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)

For the Year Ended September 30, 2021

Graphic presentations of selected data from the summary tables follow to assist in the analysis of the City's activities.



CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

For the year ended September 30, 2021, revenues from governmental activities totaled \$26,800,835, which is a decrease of \$907,355 from last year. This is primarily due to a decrease in operating grants and contributions from the Coronavirus Relief Fund grant and a decrease in capital grants and contributions from developer – conveyed infrastructure in the prior year. This decrease was mostly offset with an increase in property tax revenues from an increase in assessed property values.

For the year ended September 30, 2021, expenses for governmental activities totaled \$23,078,426. Overall governmental expenses increased by \$1,206,264 due largely to increases in the personnel costs, contracted payments, and maintenance costs.

Net position for business-type activities increased \$5,895,124 compared to the prior year. Revenues increased \$1,639,048 compared to the prior year due to an increase in water and sewer revenue as a result of an increase in monthly water and sewer usage rates, and an increase in impact fees revenue. Expenses increased \$1,256,060 compared to the prior year due mostly to an increase in interest and fiscal agent fees.

FINANCIAL ANALYSIS OF THE CITY'S FUNDS

As noted earlier, fund accounting is used to demonstrate and ensure compliance with finance-related legal requirements.

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of the City's net resources available for spending at the end of the year.

The City's governmental funds reflect a combined fund balance of \$35,101,618. Of this, \$686,464 is nonspendable, \$19,945,542 is restricted for various purposes, and \$3,771,469 is assigned for various projects. The remaining balance of \$10,698,143 is unassigned in the general fund.

There was a net decrease in the combined fund balance of \$4,766,796 compared to the prior year, due mainly to principal payments on debt, capital outlay of various projects, and an increase in salaries and wages. Expenditures increased compared to prior year mainly due to an increase in personnel costs, contracted services, and maintenance costs.

The general fund is the chief operating fund of the City. At the end of the current year, unassigned fund balance of the general fund was \$10,698,143, while total fund balance reached \$14,437,111. As a measure of the general fund's liquidity, it may be useful to compare both the unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 58 percent of total general fund expenditures while total fund balance represents 78 percent of the same amount. The general fund demonstrated an overall increase of \$1,030,049 in fund balance, mainly due to interfund transfers for a variety of purposes. Compared to the prior year, revenues decreased roughly 7 percent due mainly to prior year intergovernmental revenues from grant proceeds related to the Coronavirus Relief Fund grant. Expenditures increased roughly 6 percent compared to the prior year due to increases in expenditures from personnel costs, contractual payments, and maintenance costs.

The debt service fund has a total fund balance of \$346,985, all of which is restricted for the payment of debt service. The net decrease in fund balance during the year was \$36,209. This decrease can be attributed to the debt service expenditures in excess of property tax collections.

The sales tax capital projects fund recorded an increase of \$878,618 in fund balance. This is primarily due to the collection of more sales tax revenues than anticipated.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

The bond capital projects fund recorded a decrease of \$7,158,376 in fund balance. This is primarily due to bond – funded capital projects.

Proprietary Funds – The City's proprietary fund financial statements provide the same type of information found in the government-wide financial statements, but in more detail. The City's water and sewer fund reported an increase of \$6,030,491 primarily due to operating income. The sanitation and emergency medical services fund remained consistent with a net decrease of \$135,367. The ending net position for the water and sewer fund was \$42,041,725, the sanitation fund was \$2,787,059, and emergency medical services was \$362,153.

GENERAL FUND BUDGETARY HIGHLIGHTS

There had been a planned decrease in budgeted fund balance in the amount of \$1,135,781 in the general fund. However, the net change in fund balance increased by \$1,030,049, resulting in a positive variance of \$2,165,830 from budgeted as amended over actual. Actual general fund revenues were more than original and amended budgeted revenues by \$956,109 during 2021. The City realized more revenues than anticipated mostly from sales taxes and licenses and permits. Actual expenditures were less than budgeted amounts by \$1,493,562 for the fiscal year. Departments with the largest positive budget variances include economic development; fire; public services, culture, parks, and recreation; and capital outlay.

CAPITAL ASSETS

At the end of the current fiscal year, the City's governmental and business-type activities had invested \$104,396,037 in a variety of capital assets and infrastructure (net of accumulated depreciation). This represents a net increase of \$12,330,342.

Major capital asset events during the current year include the following:

- Street sweeper purchase of \$232,431
- Purchase of video cameras for \$229,342
- Completion of the following capital projects:
 - Pearson Park lighting for \$1,268,297
 - Lift station rehabilitation for \$1,006,012
- Construction in progress additions related to the following:
 - Fire/EMS Station for \$5,604,463
 - 54" Eastside Interceptor for \$2,552,529
 - Water line improvements phase I and II for \$1,274,292
 - Lift station 30 expansion and Hwy 35 gravity mains for \$1,190,588
 - I and I Project for \$508,896
 - Lift station #23 expansion for \$359,490
 - Water line improvement phase III for \$288,648
 - Water plant #6 tank replacement for \$226,380
 - Concrete repair for \$215,897

More detailed information about the City's capital assets is presented in note III. C. to the financial statements.

LONG-TERM DEBT

At the end of the current fiscal year, the City had total bonds, certificates of obligation, notes, and capital leases outstanding of \$74,883,231. Of this amount, \$9,895,005 was general obligation bonds, certificates of obligation accounted for \$26,715,000, revenue bonds totaled \$38,040,000, and capital leases totaled \$233,226.

CITY OF ALVIN, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

More detailed information about the City's long-term liabilities is presented in note III. D. to the financial statements.

Current underlying ratings on debt issues are as follows:

	Moody's Investors Services	Standard and Poor's
Tax and revenue certificates of obligation	Aa3	AA
General obligation bonds	Aa3	AA
Revenue bonds	N/A	AA

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The City adopted a fiscal year 2021-2022 expenditure budget of \$63,971,689, which is an increase of 16.5 percent from the prior year amended budget. The City budgeted for fiscal year 2021-2022 revenues of \$61,128,119, which is an increase of 15.3 percent from the prior year budget. The 2021 net taxable value is \$1,616,358,945 while the tax rate remained \$0.7680 per \$100 of taxable property value.

The proposed general fund budget for fiscal year 2021-2022 is \$19,022,147; an increase of 2.8 percent (\$539,165) from the prior year amended budget and includes funding for additional personnel, the implementation of a compensation survey, and public safety equipment.

For fiscal year 2021-2022, the City anticipates generating \$12.6 million in total Utility Fund revenues, a 4.0 percent increase from the prior year's budget of \$12.1 million. Fiscal year 2021-2022 proposed expenditures are anticipated to be \$12.6 million, which is a 8.0 percent increase over the prior year budget.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Michael Higgins, Chief Financial Officer, 216 West Sealy Street, Alvin, Texas 77511.

BASIC FINANCIAL STATEMENTS

CITY OF ALVIN, TEXAS

STATEMENT OF NET POSITION

September 30, 2021

	Primary Government		
	Governmental Activities	Business-Type Activities	Total
<u>Assets</u>			
Cash and equity in pooled cash and investments	\$ 42,018,060	\$ 12,756,812	\$ 54,774,872
Investments	489,482	629,275	1,118,757
Receivables, net of allowances	2,633,699	2,458,557	5,092,256
Inventory	26,089	49,319	75,408
Prepays and other assets	640,923	-	640,923
Restricted assets:			
Temporarily restricted cash and cash equivalents	-	42,818,944	42,818,944
	<u>45,808,253</u>	<u>58,712,907</u>	<u>104,521,160</u>
Capital assets:			
Nondepreciable capital assets	20,771,056	12,343,994	33,115,050
Depreciable capital assets, net	35,770,542	35,510,445	71,280,987
	<u>56,541,598</u>	<u>47,854,439</u>	<u>104,396,037</u>
Total Assets	<u>102,349,851</u>	<u>106,567,346</u>	<u>208,917,197</u>
<u>Deferred Outflows of Resources</u>			
Deferred outflows - TMRS	1,476,686	381,020	1,857,706
Deferred outflows - TESRS	106,273	-	106,273
Deferred outflows - OPEB	139,626	36,048	175,674
Deferred loss on refunding	105,377	1,035,134	1,140,511
Total Deferred Outflows of Resources	<u>1,827,962</u>	<u>1,452,202</u>	<u>3,280,164</u>
<u>Liabilities</u>			
Accounts payable and accrued liabilities	1,920,139	4,589,740	6,509,879
Unearned revenue	3,322,696	-	3,322,696
Accrued bond interest	328,758	329,136	657,894
Noncurrent liabilities:			
Portion due within one year:			
Compensated absences	683,846	105,178	789,024
Bonds payable	1,580,858	3,884,143	5,465,001
Capital leases payable	30,198	-	30,198
Portion due in more than one year:			
Compensated absences	76,003	11,686	87,689
Bonds payable (net of deferred charges)	22,906,687	51,756,601	74,663,288
Capital leases payable	203,028	-	203,028
Net pension liability - TMRS	5,586,375	1,626,541	7,212,916
Net pension liability - TESRS	589,430	-	589,430
Total OPEB liability	650,077	161,225	811,302
Total Liabilities	<u>37,878,095</u>	<u>62,464,250</u>	<u>100,342,345</u>
<u>Deferred Inflows of Resources</u>			
Deferred inflows - TMRS	1,428,623	319,463	1,748,086
Deferred inflows - TESRS	29,036	-	29,036
Deferred inflows - OPEB	44,411	12,866	57,277
Deferred gain on refunding	427,012	32,032	459,044
Total Deferred Inflows of Resources	<u>1,929,082</u>	<u>364,361</u>	<u>2,293,443</u>
<u>Net Position</u>			
Net investment in capital assets	37,583,442	23,865,249	61,448,691
Restricted for:			
Nonexpendable			
Perpetual care	50,000	-	50,000
Expendable			
Sidewalk projects	61,699	-	61,699
Debt service	346,985	888,576	1,235,561
Enabling legislation	1,121,508	-	1,121,508
Tax increment reinvestment zone	1,645,999	-	1,645,999
Capital projects	9,967,488	-	9,967,488
Permanent fund	717,613	-	717,613
Unrestricted	12,875,902	20,437,112	33,313,014
Total Net Position	<u>\$ 64,370,636</u>	<u>\$ 45,190,937</u>	<u>\$ 109,561,573</u>

See Notes to Financial Statements.

CITY OF ALVIN, TEXAS

STATEMENT OF ACTIVITIES

For the Year Ended September 30, 2021

Functions/Programs	Expenses	Program Revenues	
		Charges for Services	Operating Grants and Contributions
Primary Government			
Governmental Activities			
General government	\$ 4,931,118	\$ 699,908	\$ 49,399
Public safety	9,938,797	1,893,602	68,694
Public services	2,405,583	-	241,433
Community services	2,776,722	-	-
Culture, parks, and recreation	2,350,526	-	-
Interest and fiscal agent fees	675,680	-	-
Total Governmental Activities	23,078,426	2,593,510	359,526
Business-Type Activities			
Water and sewer	7,919,361	13,368,431	77,877
Sanitation	2,649,550	2,600,911	-
Emergency medical services	2,364,251	2,199,885	497,729
Total Business-Type Activities	12,933,162	18,169,227	575,606
Total Primary Government	\$ 36,011,588	\$ 20,762,737	\$ 935,132

General Revenues:

Property taxes
Sales taxes
Franchise fees
Other taxes
Investment revenue
Other revenues
Transfers

Total General Revenues and Transfers

Change in Net Position

Beginning net position

Ending Net Position

See Notes to Financial Statements.

Net Revenue (Expense) and Changes in Net Position		
Primary Government		
Governmental Activities	Business-Type Activities	Total
\$ (4,181,811)	\$ -	\$ (4,181,811)
(7,976,501)	-	(7,976,501)
(2,164,150)	-	(2,164,150)
(2,776,722)	-	(2,776,722)
(2,350,526)	-	(2,350,526)
(675,680)	-	(675,680)
(20,125,390)	-	(20,125,390)
-	5,526,947	5,526,947
-	(48,639)	(48,639)
-	333,363	333,363
-	5,811,671	5,811,671
(20,125,390)	5,811,671	(14,313,719)
12,523,798	-	12,523,798
8,762,693	-	8,762,693
1,217,243	-	1,217,243
844,878	-	844,878
54,616	71,266	125,882
444,571	-	444,571
(12,187)	12,187	-
23,835,612	83,453	23,919,065
3,710,222	5,895,124	9,605,346
60,660,414	39,295,813	99,956,227
<u>\$ 64,370,636</u>	<u>\$ 45,190,937</u>	<u>\$ 109,561,573</u>

CITY OF ALVIN, TEXAS

BALANCE SHEET

GOVERNMENTAL FUNDS

September 30, 2021

	General	Debt Service	Sales Tax Capital Projects	Bond Capital Projects
<u>Assets</u>				
Cash and equity in pooled cash and investments	\$ 16,186,499	\$ 346,985	\$ 8,767,477	\$ 7,320,690
Investments	238,169	-	251,313	-
Receivables, net	1,525,629	56,920	989,748	-
Prepaid items	631,452	-	-	-
Total Assets	\$ 18,581,749	\$ 403,905	\$ 10,008,538	\$ 7,320,690
<u>Liabilities</u>				
Accounts payable and accrued liabilities	\$ 385,076	\$ -	\$ 41,050	\$ 1,236,440
Other payables	79,812	-	-	-
Unearned revenue	3,322,696	-	-	-
Total Liabilities	3,787,584	-	41,050	1,236,440
<u>Deferred Inflows of Resources</u>				
Unavailable revenue - property taxes	357,054	56,920	-	-
	<u>357,054</u>	<u>56,920</u>	<u>-</u>	<u>-</u>
<u>Fund Balances</u>				
Nonspendable:				
Prepaid items	631,452	-	-	-
Perpetual care	-	-	-	-
Restricted for:				
Debt service	-	346,985	-	-
Sidewalk projects	-	-	-	-
Enabling legislation	-	-	-	-
Tax increment reinvestment zone	-	-	-	-
Capital projects	-	-	9,967,488	6,084,250
Permanent fund	-	-	-	-
Assigned to:				
Special projects	2,041,095	-	-	-
Disaster recovery	306,572	-	-	-
Compensated absences	759,849	-	-	-
Unassigned	10,698,143	-	-	-
Total Fund Balances	14,437,111	346,985	9,967,488	6,084,250
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	\$ 18,581,749	\$ 403,905	\$ 10,008,538	\$ 7,320,690

See Notes to Financial Statements.

Nonmajor Governmental	Total
\$ 4,223,352	\$ 36,845,003
-	489,482
61,402	2,633,699
5,012	636,464
<u>\$ 4,289,766</u>	<u>\$ 40,604,648</u>
\$ 23,982	\$ 1,686,548
-	79,812
-	3,322,696
<u>23,982</u>	<u>5,089,056</u>
-	413,974
<u>-</u>	<u>413,974</u>
5,012	636,464
50,000	50,000
-	346,985
61,699	61,699
1,121,508	1,121,508
1,645,999	1,645,999
-	16,051,738
717,613	717,613
663,953	2,705,048
-	306,572
-	759,849
-	10,698,143
<u>4,265,784</u>	<u>35,101,618</u>
<u>\$ 4,289,766</u>	<u>\$ 40,604,648</u>

CITY OF ALVIN, TEXAS
RECONCILIATION OF THE GOVERNMENTAL
FUNDS BALANCE SHEET TO THE
STATEMENT OF NET POSITION
September 30, 2021

Total fund balances - total governmental funds	\$ 35,101,618
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Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets used in governmental activities are not current financial resources and, therefore, not reported in the governmental funds.

Capital assets, nondepreciable	20,771,056
Capital assets, net depreciable	34,634,778

Long-term liabilities and deferred outflows and deferred inflows related to the net pension and other postemployment benefits (OPEB) liability are not recognized in the governmental funds.

Net pension liability	(6,004,432)
Deferred outflows - pensions	1,547,363
Deferred inflows - pensions	(1,443,706)
Total OPEB liability	(650,077)
Deferred outflows - OPEB	139,626
Deferred inflows - OPEB	(44,411)

Other long-term assets are not available to pay for current period expenditures and, therefore, are deferred in the governmental funds.

413,974

Internal service funds are used by management to charge the costs of certain capital assets and maintenance to individual funds. The assets and liabilities of the internal service funds are included in the governmental activities in the Statement of Net Position.

6,020,039

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental funds.

Accrued interest payable	(328,758)
Noncurrent liabilities due in one year	(2,294,902)
Noncurrent liabilities due in more than one year	(23,169,897)
Deferred gain on refunding	(427,012)
Deferred loss on refunding	105,377

Net Position of Governmental Activities	\$ 64,370,636
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See Notes to Financial Statements.

CITY OF ALVIN, TEXAS

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES GOVERNMENTAL FUNDS

For the Year Ended September 30, 2021

	General	Debt Service	Sales Tax Capital Projects	Bond Capital Projects
<u>Revenues</u>				
Property taxes	\$ 9,894,588	\$ 2,042,573	\$ -	\$ -
Sales taxes	2,914,186	-	5,848,507	-
Franchise fees	1,169,965	-	-	-
Other taxes	538,394	-	-	-
Licenses and permits	1,440,488	-	-	-
Fines and forfeitures	431,936	-	-	-
Charges for services	557,031	-	-	-
Intergovernmental	290,666	-	-	-
Investment revenue	15,742	11	1,764	8,654
Other revenue	139,576	-	3,296	-
Total Revenues	17,392,572	2,042,584	5,853,567	8,654
<u>Expenditures</u>				
Current:				
General government	4,613,384	-	-	-
Public safety	9,848,270	-	-	-
Public services	1,302,770	-	-	-
Community services	100,814	-	2,345,002	-
Culture, parks, and recreation	2,039,006	-	-	-
Capital outlay	477,703	-	1,869,111	7,167,030
Debt service:				
Principal	29,250	1,299,656	-	-
Interest and fiscal agent fees	8,508	779,137	-	-
Total Expenditures	18,419,705	2,078,793	4,214,113	7,167,030
Excess (Deficiency) of Revenues Over (Under) Expenditures	(1,027,133)	(36,209)	1,639,454	(7,158,376)
<u>Other Financing Sources (Uses)</u>				
Transfers in	3,331,619	-	-	-
Transfers (out)	(1,274,437)	-	(760,836)	-
Total Other Financing Sources (Uses)	2,057,182	-	(760,836)	-
Net Change in Fund Balances	1,030,049	(36,209)	878,618	(7,158,376)
Beginning fund balances	13,407,062	383,194	9,088,870	13,242,626
Ending Fund Balances	\$ 14,437,111	\$ 346,985	\$ 9,967,488	\$ 6,084,250

See Notes to Financial Statements.

Nonmajor Governmental	Total
\$ 644,780	\$ 12,581,941
-	8,762,693
47,278	1,217,243
306,484	844,878
-	1,440,488
21,178	453,114
142,877	699,908
24,399	315,065
26,199	52,370
144,381	287,253
<u>1,357,576</u>	<u>26,654,953</u>
216,372	4,829,756
99,306	9,947,576
-	1,302,770
326,889	2,772,705
14,995	2,054,001
133,381	9,647,225
5,985	1,334,891
1,290	788,935
<u>798,218</u>	<u>32,677,859</u>
<u>559,358</u>	<u>(6,022,906)</u>
604,859	3,936,478
<u>(645,095)</u>	<u>(2,680,368)</u>
<u>(40,236)</u>	<u>1,256,110</u>
519,122	(4,766,796)
3,746,662	39,868,414
<u>\$ 4,265,784</u>	<u>\$ 35,101,618</u>

CITY OF ALVIN, TEXAS
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
For the Year Ended September 30, 2021

Amounts reported for governmental activities in the Statement of Activities are different because:

Net changes in fund balances - total governmental funds	\$	(4,766,796)
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Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.

Capital outlay		9,548,567
Depreciation expense		(2,261,124)
Contribution of capital asset to business-type activities		(1,268,297)

The issuance of long-term debt (e.g., bonds and certificates of obligation) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the Statement of Net Position. Pension and other postemployment benefits (OPEB) expenses and the amortization of deferred items are recognized at the government-wide level.

Principal payments		1,305,641
Amortization of deferred amounts		144,340
Compensated absences		6,416
Capital lease activity		29,250
Accrued interest		(31,085)
Deferred outflows - pensions		13,271
Deferred inflows - pensions		176,040
Net pension liability		693,944
Deferred outflows - OPEB		47,938
Deferred inflows - OPEB		(523)
Total OPEB liability		(110,130)

On-behalf revenues and expenses in the Statement of Activities that do not provide current financial resources are not reported as revenues/expenditures in the funds.

Pension plan on-behalf revenues		44,461
Pension plan on-behalf expenses		(44,461)

Revenue in the Statement of Activities that does not provide current financial resources is not reported as revenue in the funds. This includes the change in deferred inflows of resources - unavailable revenues.

(58,143)

Internal service funds are used by management to charge the costs of certain capital assets and maintenance to individual funds. The net revenue (expense) is reported with governmental activities.

240,913

Change in Net Position of Governmental Activities	\$	3,710,222
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See Notes to Financial Statements.

CITY OF ALVIN, TEXAS
STATEMENT OF NET POSITION (Page 1 of 2)
PROPRIETARY FUNDS
September 30, 2021

	Business-Type Activities			
	Water and Sewer	Sanitation	Emergency Medical Services	Total
<u>Assets</u>				
Current Assets				
Cash and equity in pooled cash and investments	\$ 9,959,494	\$ 2,384,051	\$ 413,267	\$ 12,756,812
Investments	629,275	-	-	629,275
Accounts receivable (net of allowance for uncollectibles)	1,376,808	340,962	740,787	2,458,557
Inventory	49,319	-	-	49,319
Prepaid items	-	-	-	-
Restricted cash, cash equivalents, and investments:				
Construction and debt obligation	41,462,243	-	-	41,462,243
Customer deposits	1,356,701	-	-	1,356,701
Total Current Assets	54,833,840	2,725,013	1,154,054	58,712,907
Noncurrent Assets				
Capital assets:				
Land	937,829	37,780	-	975,609
Buildings	5,523,533	80,501	558,423	6,162,457
Improvements	5,006,790	2,581,071	36,879	7,624,740
Infrastructure	61,412,036	15,342	-	61,427,378
Equipment	4,542,116	-	534,667	5,076,783
Construction in progress	11,368,385	-	-	11,368,385
Less allowance for depreciation	(41,619,175)	(2,218,049)	(943,689)	(44,780,913)
Total Capital Assets (Net)	47,171,514	496,645	186,280	47,854,439
Total Noncurrent Assets	47,171,514	496,645	186,280	47,854,439
Total Assets	102,005,354	3,221,658	1,340,334	106,567,346
Deferred Outflows of Resources				
Deferred outflows - pensions	186,645	-	194,375	381,020
Deferred outflows - OPEB	18,404	-	17,644	36,048
Deferred loss on refunding	1,007,489	27,645	-	1,035,134
Total Deferred Outflows of Resources	1,212,538	27,645	212,019	1,452,202

**Governmental
Activities**

**Internal
Service**

\$ 5,173,057

-

-

26,089

4,459

-

-

5,203,605

-

7,754

-

-

3,679,205

-

(2,551,195)

1,135,764

1,135,764

6,339,369

35,596

-

-

35,596

CITY OF ALVIN, TEXAS
STATEMENT OF NET POSITION (Page 2 of 2)
PROPRIETARY FUNDS
September 30, 2021

	Business-Type Activities			
	Water and Sewer	Sanitation	Emergency Medical Services	Total
<u>Liabilities and Net Position</u>				
Current Liabilities				
Accounts payable and accrued liabilities	\$ 2,785,988	\$ 405,577	\$ 41,474	\$ 3,233,039
Accrued interest payable	327,951	690	495	329,136
Bonds payable - current	3,869,040	9,013	6,090	3,884,143
Compensated absences	58,177	-	47,001	105,178
Current Liabilities Payable From Restricted Assets				
Customer deposits	1,356,701	-	-	1,356,701
Total Current Liabilities	8,397,857	415,280	95,060	8,908,197
Noncurrent Liabilities				
Bonds payable, net of deferred charges	51,662,265	46,964	47,372	51,756,601
Compensated absences	6,464	-	5,222	11,686
Net pension liability	868,469	-	758,072	1,626,541
Total OPEB liability	83,424	-	77,801	161,225
Total Noncurrent Liabilities	52,620,622	46,964	888,467	53,556,053
Total Liabilities	61,018,479	462,244	983,527	62,464,250
Deferred Inflows of Resources				
Deferred inflows - pensions	151,610	-	167,853	319,463
Deferred inflows - OPEB	6,078	-	6,788	12,866
Deferred gain on refunding	-	-	32,032	32,032
Total Deferred Inflows of Resources	157,688	-	206,673	364,361
Net Position				
Net investment in capital assets	23,296,150	468,313	100,786	23,865,249
Restricted for:				
Debt service	888,576	-	-	888,576
Unrestricted net position	17,856,999	2,318,746	261,367	20,437,112
Total Net Position	\$ 42,041,725	\$ 2,787,059	\$ 362,153	\$ 45,190,937

See Notes to Financial Statements.

**Governmental
Activities**

**Internal
Service**

\$	153,779
	-
	-
	14,239
	-
	168,018
	-
	1,582
	171,373
	-
	172,955
	340,973
	13,953
	-
	-
	13,953
	1,135,764
	-
	4,884,275
\$	6,020,039

CITY OF ALVIN, TEXAS

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION PROPRIETARY FUNDS

For the Year Ended September 30, 2021

	Business-Type Activities			
	Water and Sewer	Sanitation	Emergency Medical Services	Total
<u>Operating Revenues</u>				
Water services	\$ 5,685,319	\$ -	\$ -	\$ 5,685,319
Sewer services	6,153,615	-	-	6,153,615
Sanitation services	-	2,599,880	-	2,599,880
Emergency medical services	-	-	2,192,742	2,192,742
Charges for services	-	-	-	-
Other revenues	1,529,497	1,031	7,143	1,537,671
Total Operating Revenues	13,368,431	2,600,911	2,199,885	18,169,227
<u>Operating Expenses</u>				
Water services	1,528,201	-	-	1,528,201
Sewer services	2,333,293	-	-	2,333,293
Sanitation services	-	2,594,221	-	2,594,221
Emergency medical services	-	-	2,297,165	2,297,165
Personnel services	-	-	-	-
Supplies	-	-	-	-
Other expense	-	-	22,489	22,489
Depreciation	2,022,211	52,279	42,898	2,117,388
Total Operating Expenses	5,883,705	2,646,500	2,362,552	10,892,757
Operating Income (Loss)	7,484,726	(45,589)	(162,667)	7,276,470
<u>Nonoperating Revenues (Expenses)</u>				
Intergovernmental	77,877	-	497,729	575,606
Gain on sale of capital assets	-	-	-	-
Investment revenues	68,434	573	2,259	71,266
Interest and fiscal agent fees	(2,035,656)	(3,050)	(1,699)	(2,040,405)
Total Nonoperating Revenues (Expenses)	(1,889,345)	(2,477)	498,289	(1,393,533)
Income (Loss) Before Transfers and Contributions	5,595,381	(48,066)	335,622	5,882,937
<u>Transfers and Contributions</u>				
Capital contributions	1,268,297	-	-	1,268,297
Transfers in	6,473,241	-	-	6,473,241
Transfers (out)	(7,306,428)	(258,558)	(164,365)	(7,729,351)
Total Transfers and Contributions	435,110	(258,558)	(164,365)	12,187
Change in Net Position	6,030,491	(306,624)	171,257	5,895,124
Beginning net position	36,011,234	3,093,683	190,896	39,295,813
Ending Net Position	\$ 42,041,725	\$ 2,787,059	\$ 362,153	\$ 45,190,937

See Notes to Financial Statements.

**Governmental
Activities**

**Internal
Service**

\$	-
	-
	-
	-
2,114,766	
74,682	
2,189,448	
	-
	-
	-
	-
366,228	
1,531,051	
	-
210,820	
2,108,099	
81,349	
	-
157,318	
2,246	
	-
159,564	
240,913	
	-
	-
	-
	-
240,913	
5,779,126	
\$ 6,020,039	

CITY OF ALVIN, TEXAS

STATEMENT OF CASH FLOWS PROPRIETARY FUNDS (Page 1 of 2)

For the Year Ended September 30, 2021

	Business-Type Activities			
	Water and Sewer	Sanitation	Emergency Medical Services	Total
<u>Cash Flows from Operating Activities</u>				
Receipts from customers and users	\$ 13,693,503	\$ 2,598,260	\$ 2,206,664	\$ 18,498,427
Payments/credits to/from suppliers	568,333	(2,409,113)	(603,254)	(2,444,034)
Payments to employees	(2,250,402)	-	(1,870,741)	(4,121,143)
Net Cash Provided (Used) by Operating Activities	12,011,434	189,147	(267,331)	11,933,250
<u>Cash Flows from Noncapital Financing Activities</u>				
Transfers from other funds	6,473,241	-	-	6,473,241
Transfer to other funds	(7,306,428)	(258,558)	(164,365)	(7,729,351)
Intergovernmental	77,877	-	497,729	575,606
Net Cash Provided (Used) by Noncapital Financing Activities	(755,310)	(258,558)	333,364	(680,504)
<u>Cash Flows from Capital and Related Financing Activities</u>				
Acquisition and construction of capital assets	(7,022,747)	-	-	(7,022,747)
Proceeds from sale of capital assets	-	-	-	-
Proceeds from issuance of bonds	18,195,136	-	-	18,195,136
Interest and fiscal agent fees paid	(2,153,920)	(1,897)	(3,905)	(2,159,722)
Principal paid on capital debt	(2,989,614)	(8,807)	(5,949)	(3,004,370)
Net Cash Provided (Used) by Capital and Related Financing Activities	6,028,855	(10,704)	(9,854)	6,008,297
<u>Cash Flows from Investing Activities</u>				
Purchase of investments	(131,745)	-	-	(131,745)
Interest on investments	68,434	573	2,259	71,266
Net Cash Provided (Used) by Investing Activities	(63,311)	573	2,259	(60,479)
Net Increase (Decrease) in Cash and Equity in Pooled Cash and Investments	17,221,668	(79,542)	58,438	17,200,564
Beginning cash and equity in pooled cash and investments	35,556,770	2,463,593	354,829	38,375,192
Ending Cash and Equity in Pooled Cash and Investments	\$ 52,778,438	\$ 2,384,051	\$ 413,267	\$ 55,575,756
Ending Cash and Equity in Pooled Cash and Investments:				
Unrestricted cash and equity in pooled cash and investments	\$ 9,959,494	\$ 2,384,051	\$ 413,267	\$ 12,756,812
Restricted cash and equity in pooled cash and investments	42,818,944	-	-	42,818,944
	\$ 52,778,438	\$ 2,384,051	\$ 413,267	\$ 55,575,756

See Notes to Financial Statements.

**Governmental
Activities**

**Internal
Service**

\$ 2,228,848
(1,432,819)
(399,548)

396,481

-
-
-

-

(348,360)
157,318
-
-
-

(191,042)

-
2,246

2,246

207,685

4,965,372

\$ 5,173,057

\$ 5,173,057

-

\$ 5,173,057

CITY OF ALVIN, TEXAS

STATEMENT OF CASH FLOWS PROPRIETARY FUNDS (Page 2 of 2)

For the Year Ended September 30, 2021

	Business-Type Activities			
	Water and Sewer	Sanitation	Emergency Medical Services	Total
Reconciliation of Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities				
Operating income (loss)	\$ 7,484,726	\$ (45,589)	\$ (162,667)	\$ 7,276,470
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:				
Depreciation	2,022,211	52,279	42,898	2,117,388
Changes in Operating Assets and Liabilities:				
(Increase) Decrease in Current Assets:				
Accounts receivable	250,353	(2,651)	6,779	254,481
Deferred outflows of resources	(10,354)	-	(20,891)	(31,245)
Inventories	27,276	-	-	27,276
Prepays	-	-	-	-
Increase (Decrease) in Current Liabilities:				
Accounts payable	2,257,473	185,108	(47,821)	2,394,760
Due to other funds	-	-	-	-
Compensated absences	(2,089)	-	2,122	33
Customer deposits	74,719	-	-	74,719
Deferred inflows of resources	(29,448)	-	(19,943)	(49,391)
Net pension liability	(78,161)	-	(82,285)	(160,446)
Total OPEB liability	14,728	-	14,477	29,205
Net Cash Provided (Used) by Operating Activities	\$ 12,011,434	\$ 189,147	\$ (267,331)	\$ 11,933,250

See Notes to Financial Statements.

**Governmental
Activities**

**Internal
Service**

\$ 81,349

210,820

733
(7,684)
(8,685)
47,352

98,232

-
-
(10,143)
(15,493)

-

\$ 396,481

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS
For the Year Ended September 30, 2021

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The City of Alvin, Texas (the “City”) was incorporated on July 25, 1893 and adopted the “Home Rule Charter” on February 23, 1963, pursuant to the laws of the State of Texas (the “State”), which provide for a Council-Manager form of government.

The City Council is the principal legislative body of the City. The City Manager is appointed by a majority vote of the City Council and is responsible to the Council for the administration of all the affairs of the City. The City Manager is responsible for the appointment and removal of department directors and employees, supervision and control of all City departments, and preparation of the annual budget.

The City provides the following services: public safety to include police and fire services, municipal court, drainage, building and code inspection, planning, engineering, street repair and maintenance, park maintenance, recreational activities for citizens, and general administrative services.

The City is an independent political subdivision of the State governed by an elected council and a mayor and is considered a primary government. As required by generally accepted accounting principles, these basic financial statements have been prepared based on considerations regarding the potential for inclusion of other entities, organizations, or functions as part of the City’s financial reporting entity. The three tax increment reinvestment zones (TIRZ), although legally separate, are considered part of the reporting entity. The Kendall Lakes TIRZ Redevelopment Authority, although legally separate, is considered part of the reporting unit. No other entities, organizations, or functions have been included as part of the City’s reporting entity. Additionally, as the City is considered a primary government for financial reporting purposes, its activities are not considered a part of any other governmental or other type of reporting entity.

Considerations regarding the potential for inclusion of other entities, organizations, or functions in the City’s financial reporting entity are based on criteria prescribed by generally accepted accounting principles. These same criteria are evaluated in considering whether the City is a part of any other governmental or other type of reporting entity. The overriding elements associated with prescribed criteria considered in determining that the City’s financial reporting entity status is that of a primary government are that it has a separately elected governing body, it is legally separate, and it is fiscally independent of other state and local governments. Additionally, prescribed criteria under generally accepted accounting principles include considerations pertaining to organizations for which the primary government is financially accountable and considerations pertaining to organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete.

Blended Component Units

Tax Increment Reinvestment Zone Number One

During fiscal year 2003, the City passed ordinances creating a tax increment reinvestment zone (“TIRZ No. 1”) in accordance with Section 311.005 of the Texas Tax Code. TIRZ No. 1 was created to provide the financing and management tool needed to facilitate development of commercial and residential sites. TIRZ No. 1 is managed by an 11-member Board of Directors, of which the City Council appoints eight members and the remaining members are appointed by taxing units levying taxes within TIRZ No. 1. Under this arrangement, increases in property taxes will be utilized to pay

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

for certain infrastructure costs. As the developer of the commercial and residential sites completes infrastructure improvements within TIRZ No. 1, the City takes title to the infrastructure and TIRZ No. 1 is responsible for reimbursing the developer for the infrastructure costs.

Tax Increment Reinvestment Zone Number Two

During fiscal year 2004, the City passed an ordinance creating a tax increment reinvestment zone (“TIRZ No. 2”), in accordance with Section 311.005 of the Texas Tax Code. TIRZ No. 2 was created to provide the financing and management tool needed to facilitate development of the Kendall Lakes area. TIRZ No. 2 is managed by a 12-member Board of Directors, of which the City Council appoints eight members and the remaining members are appointed by taxing units levying taxes within TIRZ No. 2. Under this arrangement, increases in property taxes will be utilized to pay for certain infrastructure costs. As the developer of the Kendall Lakes area completes infrastructure improvements within TIRZ No. 2, the City takes title to the infrastructure and TIRZ No. 2 is responsible for reimbursing the developer for the infrastructure costs.

Tax Increment Reinvestment Zone Number Three

During fiscal year 2006, the City passed an ordinance creating a tax increment reinvestment zone (“TIRZ No. 3”), in accordance with Section 311.005 of the Texas Tax Code. TIRZ No. 3 was created to provide the financing and management tool needed to facilitate development of the Savannah Plantation area. TIRZ No. 3 is managed by an 11-member Board of Directors, of which the City Council appoints eight members and the remaining members are appointed by taxing units levying taxes within TIRZ No. 3. Under this arrangement, increases in property taxes will be utilized to pay for certain infrastructure costs. As the developer of the Savannah Plantation area completes infrastructure improvements within TIRZ No. 3, the City takes title to the infrastructure and TIRZ No. 3 is responsible for reimbursing the developer for the infrastructure costs.

Kendall Lakes TIRZ Redevelopment Authority

During fiscal year 2006, the City authorized the creation of the Kendall Lakes TIRZ Redevelopment Authority (the “Authority”), a public not-for-profit local government corporation organized and existing under the laws of the State. The Authority was created to aid, assist, and act on behalf of the City in performance of the City’s governmental and proprietary functions with respect to the common good and general welfare of TIRZ No. 2 including promoting, developing, encouraging, and maintaining housing, employment, commerce, and economic development of the Kendall Lakes Area. The Authority Board is comprised of the same members that make up the Board for TIRZ No. 2. In the event of dissolution, all assets are to be turned over to the City for deposit into the TIRZ No. 2 fund unless City Council shall otherwise direct for a public purpose. The City, TIRZ No. 2, and the Authority entered into an agreement (the “Agreement”) authorizing the Authority to provide management and administrative functions for TIRZ No. 2, including aiding and assisting the City and TIRZ No. 2 (1) in preparation and implementation of a project plan and reinvestment zone financing plan and (2) in the development and implementation of a redevelopment policy for the Kendall Lakes area, including acquisition of land, installation of infrastructure, and related public improvements. The City and TIRZ No. 2 will pay for the Authority’s activities performed pursuant to the Agreement from tax increments realized in TIRZ No. 2.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

B. Government-Wide Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the activities of the primary government. *Governmental activities*, which normally are supported by taxes, intergovernmental revenues, and other nonexchange transactions, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges to external customers for support.

C. Basis of Presentation – Government-Wide Financial Statements

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds and internal service funds, while business-type activities incorporate data from the City's enterprise funds. Separate financial statements are provided for governmental funds and proprietary funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the interfund services provided and other charges between the City's water and wastewater functions and various other functions of the City. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

D. Basis of Presentation – Fund Financial Statements

The fund financial statements provide information about the City's funds, including its blended component units. Separate statements for each fund category – governmental and proprietary – are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

The City reports the following governmental funds:

The *general fund* is used to account for all financial transactions not properly includable in other funds. The principal sources of revenues include local property taxes, sales taxes, franchise fees, licenses and permits, fines and forfeitures, and charges for services. Expenditures include general government; public safety; public services; community services; and culture, parks, and recreation. The general fund is always considered a major fund for reporting purposes.

The *debt service fund* is used to account for the payment of interest and principal on all general obligation bonds and other long-term debt of the City. The primary source of revenue for debt service is local property taxes. The debt service fund is considered a nonmajor fund for reporting purposes, but the City has elected to present it as major due to its significance.

The *special revenue funds* are used to account for proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. The special revenue funds include the hotel/motel fund, special investigation fund, court building security fund, municipal court technology fund, donation fund, juvenile case manager fund, senior fund, park dedication fund, Comcast PEG fees fund, TIRZ No. 1 fund, TIRZ No. 2 fund, TIRZ No. 3 fund, Kendall Lakes TIRZ Redevelopment Authority fund, and the sidewalk fund. The special revenue funds are considered nonmajor funds for reporting purposes.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

The *capital projects funds* are used to account for the expenditures of resources accumulated from sales tax revenues and the sale of bonds and related interest earnings for capital improvement projects. The sales tax capital projects fund and the bond capital projects fund are considered major funds for reporting purposes.

Permanent funds are governmental funds that are used to report resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes that support the reporting government's programs. The cemetery fund is considered a nonmajor fund for reporting purposes.

The City reports the following enterprise funds:

The *enterprise funds* are used to account for the operations that provide water and wastewater collection, wastewater treatment operations, solid waste collection and disposal, and emergency medical services. The services are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses including depreciation) of providing goods or services to the general public on a continuing basis will be financed or recovered primarily through user charges. The water and sewer fund and sanitation fund are considered major funds for reporting purposes. The emergency medical services fund is considered a nonmajor fund for reporting purposes, but the City has elected to present as major due to its significance.

Additionally, the City reports the following fund type:

Internal service funds account for services provided to other departments or agencies of the government, or to other governments, on a cost reimbursement basis. The vehicle maintenance fund is used to account for maintenance services. The vehicle replacement fund is used for the replacement of vehicles. The computer replacement fund is used to account for computer replacement services. The information technology maintenance fund is used to account for maintenance services.

During the course of operations, the City has activity between funds for various purposes. Any residual balances outstanding at year end are reported as due from/to other funds and advances to/from other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities (i.e., the governmental and internal service funds) are eliminated so that only the net amount is included as internal balances in the governmental activities column. Similarly, balances between the funds included in business-type activities (i.e., the enterprise funds) are eliminated so that only the net amount is included as internal balances in the business-type activities column.

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements, these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as internal balances in the business-type activities column.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

E. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The government-wide and proprietary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise fees, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Entitlements are recorded as revenues when all eligibility requirements are met, including any time requirements, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). All other revenue items are considered to be measurable and available only when cash is received by the City.

F. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

1. Cash and Cash Equivalents

The City maintains pooled cash and investment accounts. Each fund whose monies are deposited in the pooled cash and investment accounts has equity therein, and interest earned on the investment of these monies is allocated based upon relative equity at the previous month end. Amounts on deposit in interest bearing accounts and other investments are displayed on the combined balance sheet as “cash and equity in pooled cash and investments.”

2. Investments

Investments, except for certain investment pools, commercial paper, money market funds, and investment contracts, are reported at fair value. The investment pools operate in accordance with appropriate state laws and regulations and are reported at amortized cost. Money market funds,

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

which are short-term highly liquid debt instruments that may include U.S. Treasury and agency obligations and commercial paper that have a remaining maturity of one year or less upon acquisition, are reported at amortized cost. Investments in nonparticipating interest earning contracts, such as certificates of deposit, are reported at cost.

The City has adopted a written investment policy regarding the investment of its funds as defined in the Public Funds Investment Act, Chapter 2256, Texas Government Code. In summary, the City is authorized to invest in the following:

- Direct obligations of the U.S. government
- Money market mutual funds that meet certain criteria
- Statewide investment pools
- Certificates of deposit that meet certain criteria

3. Inventories and Prepaid Items

Inventories are stated at cost using the first-in, first-out method. Inventories consist of expendable supplies held for consumption. The consumption method is used to recognize expenditures.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

4. Restricted Assets

Certain proceeds of bonds, as well as other resources set aside for specific purposes, are classified as restricted assets on the balance sheet because their use is limited by applicable bond covenants or contractual agreements. Restricted assets of the enterprise fund are restricted by bond covenants for repayment of debt and to finance construction projects and for customer deposits.

5. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. In accordance with GASB Statement No. 34, infrastructure has been capitalized retroactively. Capital assets are defined by the City as assets with an initial, individual cost of more than \$10,000 and an estimated useful life in excess of four years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation. Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest costs incurred in connection with construction of enterprise fund capital assets are capitalized when the effects of capitalization materially impact the financial statements.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Property, plant, and equipment of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful years:

<u>Asset Description</u>	<u>Estimated Useful Life</u>
Buildings	20 to 50 years
Improvements	4 to 50 years
Equipment	4 to 10 years
Water and sewer system	20 to 30 years
Infrastructure	40 to 50 years

6. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/expenditure) until then. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time.

Deferred outflows/inflows of resources are amortized as follows:

- Deferred outflows/inflows from pension/other postemployment benefits (OPEB) activities are amortized over the average of the expected service lives of pension/OPEB plan members, except for the net differences between the projected and actual investment earnings on the pension/OPEB plan assets, which are amortized over a period of five years.
- For employer pension/OPEB plan contributions that were made subsequent to the measurement date through the end of the City's fiscal year, the amount is deferred and recognized as a reduction to the net pension/OPEB liability during the measurement period in which the contributions were made.
- A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

At the fund level, the City has only one type of item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category. Accordingly, the item, *unavailable revenue*, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes. This amount is deferred and recognized as an inflow of resources in the period that the amount becomes available.

7. Compensated Employee Absences

It is the City's policy to permit employees to accumulate earned but unused vacation and compensatory time. The City records vacation as it accrues up to a maximum of 240 hours for all employees hired after October 1, 1998. Employees hired prior to October 1, 1998 are allowed to carry over vacation time ("Old Vacation Time") accumulated prior to October 1, 1998, plus vacation accumulated after October 1, 1998 up to the maximum of 240 hours plus the Old Vacation Time. The estimated amount of compensation for services provided that is expected to be liquidated with expendable, available financial resources is reported as an expenditure and a fund liability of the

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

governmental fund that will pay it when it matures or becomes due. Amounts of vested or accumulated vacation leave that are not expected to be liquidated with expendable, available financial resources are maintained separately and represent a reconciling item between the fund and government-wide presentations.

8. Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method, if material. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

The property tax rate is allocated each year between the general and debt service funds. The full amount estimated to be required for debt service on general obligation debt is provided by the tax along with the interest earned in the debt service fund. Although a portion of the general obligation debt was directly related to the purchase of water and sewer infrastructure, the debt service expenditures are included in the governmental fund financial statements as they are expected to be paid from debt service tax revenues instead of water system revenues.

Assets acquired under the terms of a capital lease are recorded as liabilities and capitalized in the government-wide financial statements at the present value of net minimum lease payments at inception of the lease. In the year of acquisition, capital lease transactions are recorded as other financing sources and as capital outlay expenditures in the applicable fund. Lease payments representing both principal and interest are recorded as expenditures in the general fund upon payment with an appropriate reduction of principal recorded in the government-wide financial statements.

9. Net Position Flow Assumption

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

10. Fund Balance Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

11. Fund Balance Policies

Fund balances of governmental funds are reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

Amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact are classified as nonspendable fund balance. Amounts that are externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions are classified as restricted.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the City's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the City for specific purposes but do not meet the criteria to be classified as committed. The City Council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriations in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

By resolution, the Council has also authorized the City Manager and/or Finance Director as the officials authorized to assign fund balance to a specific purpose as approved by the City's fund balance policy. Assignments of fund balance by the City Manager and Finance Director do not require formal action by the City Council.

The City strives to maintain an unassigned fund balance of not less than 25 percent of the budgeted operational expenditures in all City funds. The purpose of the unassigned balance is to alleviate significant unanticipated budget shortfalls and to ensure the orderly provisions of services to citizens. Should unassigned fund balance fall below the goal or have a deficiency, the City will seek to reduce expenditures prior to increasing revenues to replenish fund balance within a reasonable timeframe.

12. Estimates

The preparation of financial statements, in conformity with generally accepted accounting principles, requires management to make estimates and assumptions that affect the reported amounts of assets,

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

13. Pensions

For the purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Texas Municipal Retirement System (TMRS) and the Texas Emergency Services Retirement System (TESRS) and additions to/deductions from TMRS's and TESRS's fiduciary net position have been determined on the same basis as they are reported by TMRS and TESRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

14. Other Postemployment Benefits

The City participates in a single-employer, unfunded, defined benefit group-term life insurance plan operated by TMRS known as the Supplemental Death Benefits Fund (SDBF). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. Benefit payments are treated as being equal to the employer's yearly contributions for retirees. Benefit payments and refunds are due and payable in accordance with the benefit terms. Information about the City's total OPEB liability, deferred outflows of resources, deferred inflows of resources, and OPEB expense is provided by TMRS from reports prepared by their consulting actuary.

G. Revenues and Expenditures/Expenses

1. Program Revenues

Amounts reported as program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions (including special assessments) that are restricted to meeting the operational or capital requirements of a particular function or segment. All taxes, including those dedicated for specific purposes, and other internally dedicated resources are reported as general revenues rather than as program revenues.

2. Property Taxes

Property taxes are levied during October of each year and are due upon receipt of the City's tax bill. Taxes become delinquent, with an enforceable lien on property, on February 1 of the following year.

3. Proprietary Funds Operating and Nonoperating Revenues and Expenses

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise funds and internal service funds are charges to customers for sales and services. The enterprise funds also recognize as operating revenue the portion of tap fees intended to

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

recover the cost of connecting new customers to the system. Operating expenses for the enterprise funds and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

II. STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

Annual budgets are adopted on a basis consistent with generally accepted accounting principles except the capital projects funds, which adopt project length budgets. The original budget is adopted by the City Council prior to the beginning of the year. The legal level of control as defined by the charter in the approved budget is the department level. The City Manager may transfer appropriations within a department without seeking the approval of City Council. Appropriations lapse at the end of the year, excluding capital project budgets. Supplemental budget appropriations were made for the year ended September 30, 2021. The hotel/motel fund, special investigation fund, court building security fund, municipal court technology fund, donation fund, juvenile case manager fund, senior fund, park dedication fund, Comcast PEG fees fund, TIRZ No. 2 fund, and the Kendall Lakes TIRZ Redevelopment Authority fund are all special revenue funds that have adopted budgets. The cemetery fund is a permanent fund that has an adopted budget.

Encumbrances represent the estimated amount of expenditures ultimately to result when unperformed contracts (in progress at year end) are completed. Such encumbrances do not constitute expenditures or liabilities because the commitments will be reappropriated and honored during the subsequent year.

A. Expenditures in Excess of Appropriations

As of September 30, 2021, expenditures exceeded appropriations at the legal level of control as follows:

Special Investigation Fund	
Public Safety	\$ 13,588
Municipal Court Technology Fund	
Public Safety	\$ 99
Donation Fund	
Culture, Parks, and Recreation	\$ 4,995
Park Dedication Fund	
Capital Outlay	\$ 49,379
Comcast PEG Fees Fund	
Capital Outlay	\$ 34,002

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

III. DETAILED NOTES ON ALL FUNDS

A. Deposits and Investments

As of September 30, 2021, the City had the following investments:

<u>Investment Type</u>	<u>Value</u>	<u>Weighted Average Maturity (Years)</u>	<u>Fair Value Measurement</u>
Certificates of deposit	\$ 499,513	0.92	N/A
Municipal Bonds	619,244	0.80	Level 2
TexPool	6,484,220	0.09	N/A
Texas CLASS	35,327,604	0.12	N/A
TexSTAR	46,346,148	0.11	N/A
Total Fair Value	<u>\$ 89,276,729</u>		
Portfolio weighted average maturity		0.13	

Fair Value Measurements

The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. GASB Statement No. 72, *Fair Value Measurement and Application*, provides a framework for measuring fair value establishing a three-level fair value hierarchy that describes the inputs used to measure assets and liabilities:

- Level 1 inputs are quoted prices (unadjusted) for identical assets or liabilities in active markets that a government can access at the measurement date.
- Level 2 inputs are inputs other than quoted prices within Level 1 that are observable for an asset or liability, either directly or indirectly.
- Level 3 inputs are unobservable inputs for an asset or liability.

The fair value hierarchy gives the highest priority to Level 1 inputs and the lowest priority to Level 3 inputs. If a price for an identical asset or liability is not observable, a government should measure fair value using another valuation technique that maximizes the use of relevant observable inputs and minimizes the use of unobservable inputs. If the fair value of an asset or a liability is measured using inputs from more than one level of the fair value hierarchy, the measurement is considered to be based on the lowest priority level input that is significant to the entire measurement.

Fair value is measured in a manner consistent with one of the three approaches: market approach, cost approach, and the income approach. The valuation methodology used is based upon whichever technique is the most appropriate and provides the best representation of fair value for that particular asset or liability. The market approach uses prices and other relevant information generated by market transactions involving identical or comparable assets, liabilities, or groups of assets and liabilities. The cost approach reflects the amount that would be required to replace the present service capacity of an asset. The income approach converts future amounts, such as cash flows, to a single current (discounted) amount.

Interest rate risk. In accordance with its investment policy, the City manages its exposure to declines in fair values by structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations and invest operating funds primarily in short-term securities.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Credit risk. The City's investment policy limits investments in public fund investment pools rated as to investment quality not less than "AAA" or "AAA-m", or at an equivalent rating by at least one nationally recognized rating service. Investments in U.S. Securities Exchange Commission (SEC) registered and regulated money market mutual funds must have an investment quality not less than "AAA-", or at an equivalent rating by at least one nationally recognized rating service. As of September 30, 2021, the City's investments in investment pools were rated "AAAm" by Standard & Poor's.

Custodial credit risk – deposits. In the case of deposits, this is the risk that in the event of a bank failure, the City's deposits may not be returned to it. The City's investment policy requires funds on deposit at the depository bank to be collateralized by securities. As of September 30, 2021, market values of pledged securities were \$20,814,541 and bank balances were \$20,429,648.

Custodial credit risk – investments. For an investment, this is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The City's investment policy requires that it will seek to safekeeping securities at financial institutions, avoiding physical possession. Further, all trades, where applicable, are executed by delivery versus payment to ensure that securities are deposited in the City's safekeeping account prior to the release of funds.

TexPool

TexPool was established as a trust company with the Treasurer of the State as trustee, segregated from all other trustees, investments, and activities of the trust company. The State Comptroller of Public Accounts exercises oversight responsibility over TexPool. Oversight includes the ability to significantly influence operations, designation of management, and accountability for fiscal matters. Additionally, the State Comptroller has established an advisory board composed of both participants in TexPool and other persons who do not have a business relationship with TexPool. The advisory board members review the investment policy and management fee structure. Standard & Poor's rated TexPool "AAAm". As a requirement to maintain the rating, weekly portfolio information must be submitted to Standard & Poor's, as well as to the office of the Comptroller of Public Accounts for review.

TexPool is an external investment pool measured at amortized cost. In order to meet the criteria to be recorded at amortized cost, TexPool must transact at a stable net asset value per share and maintain certain maturity, quality, liquidity, and diversification requirements within TexPool. TexPool transacts at a net asset value of \$1.00 per share, has weighted average maturities of 60 days or less, and weighted average lives of 120 days or less. Investments held are highly rated by nationally recognized statistical rating organizations, have no more than five percent of portfolio with one issuer (excluding U.S. government securities), and can meet reasonably foreseeable redemptions. TexPool has a redemption notice period of one day and may redeem daily. TexPool's authority may only impose restrictions on redemptions in the event of a general suspension of trading on major securities markets, general banking moratorium, or national state of emergency that affects TexPool's liquidity.

Texas CLASS

The Texas Cooperative Liquid Assets Securities System Trust (CLASS) is a public funds investment pool under Section 2256.016 of the Public Funds Investment Act, Texas Government Code, as amended. CLASS is created under an amended and restated trust agreement, dated as of December

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

14, 2011 (the “Agreement”), among certain Texas governmental entities investing in CLASS (the “Participants”), with Cutwater Investor Services Corporation as program administrator and Wells Fargo Bank Texas, NA as custodian. CLASS is not SEC registered and is not subject to regulation by the State. Under the Agreement, however, CLASS is administered and supervised by a seven-member board of trustees (the “Board”), whose members are investment officers of the Participants, elected by the Participants for overlapping two-year terms. In the Agreement and by resolution of the Board, CLASS has contracted with Cutwater Investors Service Corporation to provide for the investment and management of the public funds of CLASS. Separate financial statements for CLASS may be obtained from CLASS’ website at www.texasclass.com.

TexSTAR

The Texas Short-Term Asset Reserve Fund (TexSTAR) is a local government investment pool organized under the authority of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, and the Public Funds Investment Act, Chapter 2256, Texas Government Code. TexSTAR was created in April 2002 by contract among its participating governmental units and is governed by a board of directors. J.P. Morgan Investment Management Inc. (JPMIM) and Hilltop Securities Inc. (HTS) serve as co-administrators. JPMIM provides investment management services and FirstSouthwest, a division of HTS, provides participant service and marketing. Custodial, fund accounting, and depository services are provided by JPMorgan Chase Bank, N.A. and/or its subsidiary, J.P. Morgan Investor Services Co. Transfer agency services are provided by Boston Financial Data Services, Inc.

TexSTAR is measured at amortized cost. TexSTAR’s strategy is to seek preservation of principal, liquidity, and current income through investment in a diversified portfolio of short-term marketable securities. The City has no unfunded commitments related to TexSTAR. TexSTAR has a redemption notice period of one day and may redeem daily. TexSTAR’s authorities may only impose restrictions on redemptions in the event of a general suspension of trading on major securities markets, general banking moratorium, or national or state emergency that affects TexSTAR’s liquidity.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

B. Receivables

The following comprise receivable balances at year end:

Governmental Funds

	General	Debt Service	Sales Tax Capital Projects	Nonmajor	Total
Property taxes	\$ 527,555	\$ 91,799	\$ -	\$ -	\$ 619,354
Sales taxes	494,847	-	989,398	-	1,484,245
Franchise fees	285,854	-	-	-	285,854
Other taxes	-	-	-	9,596	9,596
Intergovernmental	220,000	-	-	-	220,000
Accounts receivable	163,506	-	350	51,806	215,662
Other receivables	4,368	-	-	-	4,368
Less allowance	(170,501)	(34,879)	-	-	(205,380)
	<u>\$ 1,525,629</u>	<u>\$ 56,920</u>	<u>\$ 989,748</u>	<u>\$ 61,402</u>	<u>\$ 2,633,699</u>

Proprietary Funds

	Water and Sewer	Sanitation	Emergency Medical Services	Total Enterprise Funds
Accounts receivable	\$ 1,432,591	\$ 349,959	\$ 2,317,333	\$ 4,099,883
Other receivables	10,999	-	35,044	46,043
Less allowance	(66,782)	(8,997)	(1,611,590)	(1,687,369)
	<u>\$ 1,376,808</u>	<u>\$ 340,962</u>	<u>\$ 740,787</u>	<u>\$ 2,458,557</u>

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

C. Capital Assets

A summary of changes in capital assets for the year end is as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>(Decreases)/ Reclassifications</u>	<u>Ending Balance</u>
Governmental Activities:				
Capital assets not being depreciated:				
Land	\$ 5,077,245	\$ -	\$ -	\$ 5,077,245
Construction in progress	9,247,952	7,714,156	(1,268,297)	15,693,811
Total capital assets not being depreciated	14,325,197	7,714,156	(1,268,297)	20,771,056
Other capital assets:				
Buildings	13,895,698	-	-	13,895,698
Infrastructure	44,893,885	-	(369,999)	44,523,886
Improvements other than buildings	7,679,315	1,488,024	-	9,167,339
Machinery and equipment	15,828,865	694,747	-	16,523,612
Total other capital assets	82,297,763	2,182,771	(369,999)	84,110,535
Less accumulated depreciation for:				
Buildings	(10,615,382)	(267,306)		(10,882,688)
Infrastructure	(19,726,073)	(1,305,204)	369,999	(20,661,278)
Improvements other than buildings	(4,126,522)	(207,302)		(4,333,824)
Machinery and equipment	(11,770,071)	(692,132)		(12,462,203)
Total accumulated depreciation	(46,238,048)	(2,471,944)	369,999	(48,339,993)
Other capital assets, net	36,059,715	(289,173)	-	35,770,542
Governmental Activities Capital Assets, Net	<u>\$ 50,384,912</u>	<u>\$ 7,424,983</u>	<u>\$ (1,268,297)</u>	<u>56,541,598</u>
			Plus unspent bond proceeds	6,084,250
			Less net deferred charge on refunding	(321,635)
			Less associated debt	(24,720,771)
			Net Investment in Capital Assets	<u>\$ 37,583,442</u>

Depreciation was charged to governmental functions as follows:

General government	\$ 137,744
Public safety	478,943
Public services	1,201,553
Community services	87,590
Culture, parks, and recreation	355,294
Internal service fund	210,820
Total Governmental Activities Depreciation Expense	<u>\$ 2,471,944</u>

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

The following is a summary of changes in capital assets for business-type activities for the year end:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>(Decreases)/ Reclassifications</u>	<u>Ending Balance</u>
Business-Type Activities:				
Capital assets not being depreciated:				
Land	\$ 975,609	\$ -	\$ -	\$ 975,609
Construction in progress	5,755,084	6,619,313	(1,006,012)	11,368,385
Total capital assets not being depreciated	6,730,693	6,619,313	(1,006,012)	12,343,994
Other capital assets:				
Buildings	6,162,457	-	-	6,162,457
Infrastructure	60,413,517	1,013,861	-	61,427,378
Improvements other than buildings	7,368,219	256,521	-	7,624,740
Machinery and equipment	3,669,422	1,407,361	-	5,076,783
Total other capital assets	77,613,615	2,677,743	-	80,291,358
Less accumulated depreciation for:				
Buildings	(5,104,402)	(151,335)	-	(5,255,737)
Infrastructure	(32,534,373)	(1,413,997)	-	(33,948,370)
Improvements other than buildings	(2,974,627)	(362,168)	-	(3,336,795)
Machinery and equipment	(2,050,123)	(189,888)	-	(2,240,011)
Total accumulated depreciation	(42,663,525)	(2,117,388)	-	(44,780,913)
Other capital assets, net	34,950,090	560,355	-	35,510,445
Business-Type Activities Capital Assets, Net	<u>\$ 41,680,783</u>	<u>\$ 7,179,668</u>	<u>\$ (1,006,012)</u>	<u>47,854,439</u>
			Plus unspent bond proceeds	30,648,452
			Plus deferred charge on refunding	1,003,102
			Less associated debt	(55,640,744)
			Net Investment in Capital Assets	<u>\$ 23,865,249</u>

Depreciation was charged to business-type functions as follows:

Utility	\$ 2,022,211
Sanitation	52,279
Emergency medical services	42,898
Total Business-Type Activities Depreciation Expense	<u>\$ 2,117,388</u>

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

D. Long-Term Debt

The following is a summary of changes in the City's total long-term liabilities for the year end. In general, the City uses the general and debt service funds to liquidate governmental long-term liabilities.

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Governmental Activities:					
Bonds, notes and other payables:					
General obligation bonds	\$ 3,732,716	\$ -	\$ (560,641)	\$ 3,172,075 *	\$ 570,858
Certificates of obligation	20,110,000	-	(745,000)	19,365,000 *	1,010,000
Deferred amounts:					
For issuance discounts/premiums	2,064,136	-	(113,666)	1,950,470 *	-
Capital leases	262,476	-	(29,250)	233,226 *	30,198
	<u>26,169,328</u>	<u>-</u>	<u>(1,448,557)</u>	<u>24,720,771</u>	<u>1,611,056</u>
Other liabilities:					
Net pension liability - TMRS	6,211,468	-	(625,093)	5,586,375	-
Net pension liability - TESRS	673,774	-	(84,344)	589,430	-
Total OPEB liability	539,947	110,130	-	650,077	-
Compensated absences	766,265	684,413	(690,829)	759,849	683,846
Total Governmental Activities	<u>\$ 34,360,782</u>	<u>\$ 794,543</u>	<u>\$ (2,848,823)</u>	<u>\$ 32,306,502</u>	<u>\$ 2,294,902</u>
Long-term debt due in more than one year				<u>\$ 30,011,600</u>	
*Debt associated with governmental activities capital assets				<u>\$ 24,720,771</u>	

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Business-Type Activities:					
General obligation bonds	\$ 4,077,300	\$ -	\$ (1,014,370)	\$ 3,062,930 *	\$ 1,889,143
General obligation bonds from direct borrowings/placements	3,890,000	-	(230,000)	3,660,000 *	240,000
Certificates of obligation	7,880,000	-	(530,000)	7,350,000 *	525,000
Revenue bonds	22,840,000	16,430,000	(1,230,000)	38,040,000 *	1,230,000
Deferred amounts:					
For issuance discounts/premiums	1,967,005	1,765,136	(204,327)	3,527,814 *	-
	<u>40,654,305</u>	<u>18,195,136</u>	<u>(3,208,697)</u>	<u>55,640,744</u>	<u>3,884,143</u>
Other liabilities:					
Net pension liability - TMRS	1,786,987	-	(160,446)	1,626,541	-
Total OPEB liability	132,020	29,205	-	161,225	-
Compensated absences	116,831	105,970	(105,937)	116,864	105,178
Total Business-Type Activities	<u>\$ 42,690,143</u>	<u>\$ 18,330,311</u>	<u>\$ (3,475,080)</u>	<u>\$ 57,545,374</u>	<u>\$ 3,989,321</u>
Long-term debt due in more than one year				<u>\$ 53,556,053</u>	
*Debt associated with business-type activities capital assets				<u>\$ 55,640,744</u>	

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Long-term liabilities applicable to the City's governmental activities are not due and payable in the current period and, accordingly, are not reported as fund liabilities in the governmental funds. The governmental activities compensated absences, net pension liability, and total OPEB liability are generally liquidated by the general fund. Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due.

The City's long-term debt includes all outstanding bonded debt secured by the full faith and credit of the City. The bonds are certificates of obligation, general obligation, and contractual obligation bonds that are secured by the full faith and credit of the City and are paid through the debt service fund from tax revenues. The City's water and sewer fund has some general obligation bond issues recorded that are secured by the full faith and credit of the City. Although the debt payments are made from the water and sewer fund, the utilities revenue is not pledged to secure the bond payments.

In prior years, the City issued combined tax and revenue certificates of obligation for constructing and acquiring improvements, extensions, and additions to the City's sanitary sewer system. These certificates of obligation are payable from City property taxes and certain revenues of the City's combined water works and sanitary sewer system. The revenues are pledged to the extent that taxes may be insufficient or unavailable for the payment of the principal and interest on the certificates. Such pledge is, and shall be, junior and subordinate in all respects to the pledge of such net revenues to the payment of any obligation of the City that the City designates as having pledge senior to these certificates. The schedule includes these transactions in the enterprise fund as the City is currently repaying these bonds from water and sewer revenues.

The revenue bonds are pledged by revenues of the City's combined water works and sanitary sewer system. The schedule includes these transactions in the enterprise fund.

Long-term debt at year end was comprised of the following debt issues:

Description	Interest Rates	Balance
<u>Governmental Activities</u>		
General Obligation Bonds		
Series 2011 refunding	4.00%	\$ 322,592
Series 2012 refunding	1.75-2.00%	339,355
Series 2017 refunding	3.00%	2,510,128
Total General Obligation Bonds		<u>3,172,075</u>
Certificates of Obligation		
Series 2019	3.00-5.00%	14,135,000
Series 2020	1.00-4.00%	5,230,000
Total Certificates of Obligation		<u>19,365,000</u>
Capital Leases		
Fire truck	3.24%	233,226
Total Capital Leases		<u>233,226</u>
Total Governmental Activities Long-Term Debt		<u>\$ 22,770,301</u>

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Description	Interest Rates	Balance
<u>Business-Type Activities</u>		
General Obligation Bonds		
Series 2011 refunding	4.00%	\$ 357,408
Series 2012 refunding	1.75-2.00%	1,625,645
Series 2017 refunding	3.00%	1,079,877
Direct borrowings/placements:		
Series 2013 refunding	2.95%	3,660,000
Total General Obligation Bonds		<u>6,722,930</u>
Certificates of Obligation		
Series 2015	2.00-4.00%	7,350,000
Total Certificates of Obligation		<u>7,350,000</u>
Revenue Bonds		
Series 2018	3.00-4.00%	7,895,000
Series 2019	3.00-5.00%	13,715,000
Series 2020	2.00-5.00%	16,430,000
Total Revenue Bonds		<u>38,040,000</u>
Total Business-Type Activities Long-Term Debt		<u>\$ 52,112,930</u>

The annual requirements to amortize bond and certificate debt issues outstanding at year end were as follows:

Governmental Activities				
Fiscal Year Ending	Bonds		Capital Leases	
	Principal	Interest	Principal	Interest
2022	\$ 1,580,858	\$ 765,688	\$ 30,198	\$ 7,560
2023	1,403,938	704,278	31,178	6,580
2024	1,350,308	645,907	32,189	5,569
2025	1,266,828	589,045	33,233	4,525
2026	1,273,820	533,124	34,311	3,448
2027-2031	6,376,323	1,827,796	72,117	3,520
2032-2036	5,025,000	884,413	-	-
2037-2041	4,260,000	235,775	-	-
Total	<u>\$ 22,537,075</u>	<u>\$ 6,186,026</u>	<u>\$ 233,226</u>	<u>\$ 31,202</u>

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Fiscal Year Ending	Business-Type Activities			
	Bonds		Bonds From Direct Borrowing/Placements	
	Principal	Interest	Principal	Interest
2022	\$ 3,644,143	\$ 1,084,000	\$ 240,000	\$ 104,600
2023	3,346,064	992,135	265,000	97,139
2024	3,034,692	908,856	270,000	89,235
2025	2,748,172	833,990	685,000	75,126
2026	2,751,180	833,990	710,000	54,516
2027-2031	13,723,679	2,988,846	1,490,000	44,322
2032-2036	12,550,000	1,384,112	-	-
2037-2040	6,655,000	254,938	-	-
Total	\$ 48,452,930	\$ 9,280,867	\$ 3,660,000	\$ 464,938

The City is not obligated in any manner for special assessment debt.

Capital assets acquired under current capital lease obligations totaled \$449,817 (machinery and equipment) less accumulated depreciation of \$329,866, net \$119,951.

Revenue Bonds

In November 2020, the City issued Water and Sewer System Revenue Bonds, Series 2020 (the "Bonds") in the amount of \$16,430,000. The Bonds were issued for the purpose of paying costs related to acquiring, constructing, improving, equipping, and extending the water and sewer system. The Bonds mature on February 1, 2040 and have an interest rate that ranges from 2.125% to 5.000% percent.

Authorized Debt Limit

The City is authorized to issue debt up to 10% of the average full valuation of taxable real property which is currently \$140,034,800. The net indebtedness subject to the debt limit is \$9,895,004 resulting in a net debt contracting margin of \$130,139,796.

Federal Arbitrage

The Tax Reform Act of 1986 instituted certain arbitrage restrictions consisting of complex regulations with respect to issuance of tax-exempt bonds after August 31, 1986. Arbitrage regulations deal with the investment of tax-exempt bond proceeds at an interest yield greater than the interest yield paid to bondholders. Generally, all interest paid to bondholders can be retroactively rendered taxable if applicable rebates are not reported and paid to the Internal Revenue Service (IRS) at least every five years for applicable bond issues. Accordingly, there is the risk that if such calculations are not performed, or are not performed correctly, a substantial liability to the City could result. The City periodically engages an arbitrage consultant to perform the calculations in accordance with the rules and regulations of the IRS.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

E. Interfund Transactions

Transfers between the primary government funds during the year were as follows:

Transfer In	Transfer Out	Amounts
General	General subfunds	\$ 1,274,437
General	Sales tax capital projects	760,836
General	Nonmajor governmental	40,236
General	Sanitation	258,558
General	Emergency medical services	164,365
General	Water and sewer	833,187
Nonmajor governmental	Nonmajor governmental	604,859
Water and sewer	Water and sewer subfunds	6,473,241
		<u>\$ 10,409,719</u>

Amounts transferred between the general and water and sewer funds and their subfunds are reported on the consolidated sub fund statements with transfers related to specific activity and projects. Transfers between the nonmajor governmental funds and Transfers to the general fund from sales tax capital projects, nonmajor governmental funds, water ant sewer, sanitation, and emergency medical services were related to cost to fund special projects.

F. Fund Equity

As of September 30, 2021, \$1,121,508 of the City's total fund balance is restricted by enabling legislation.

IV. OTHER INFORMATION

A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters for which the City participates along with 2,617 other entities in the Texas Municipal League's Intergovernmental Risk Pools (the "Pool"). The Pool purchases commercial insurance at group rates for participants in the Pool. The City has no additional risk or responsibility to the Pool, outside of the payment of insurance premiums. The City has not significantly reduced insurance coverage or had settlements which exceeded coverage amounts for the past three years.

B. Contingent Liabilities

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts of expenditures that may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

Liabilities are reported when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. Liabilities include an amount for claims that have been incurred but not reported. Claim liabilities are calculated considering the effects of inflation, recent claim settlement

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

trends, including frequency and amount of payouts, and other economic and social factors. No claim liabilities are reported at year end.

COVID-19

The continued spread of the COVID-19 pandemic has given a rise in uncertainties that may have a significant negative impact on the operating activities and results of the City. The occurrence and extent of such impact will depend on future developments, including (i) the duration and spread of the virus, (ii) government quarantine measures, (iii) the effects on the financial markets, and (iv) the effects on the economy overall, all of which are uncertain.

C. Construction and Other Significant Commitments

Commitments

Construction in progress and remaining commitments under related construction contracts for governmental activities projects at year end are as follows:

Project Description	Authorized Contract	Contract Expenditures	Remaining Contract
FM 528 Extension	\$ 1,186,353	\$ 1,114,536	\$ 71,817
Moller Storm Improvements	249,932	238,959	10,973
Fire and EMS Construction	12,563,460	11,746,181	817,279
Moller Rd	1,585,660	88,618	1,497,042
Concrete and Pavement Project	140,460	27,615	112,845
Total	\$ 15,725,865	\$ 13,215,909	\$ 2,509,956

Encumbrances

At year end, the amounts of encumbrances expected to be honored upon performance by the vendor in the next year for governmental funds were as follows:

General fund	\$ 272,328
Sales tax capital projects fund	384,382
Capital projects fund	2,402,938
Internal service funds	708,773
Nonmajor governmental funds	76,067
Total	\$ 3,844,488

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Commitments

Construction in progress and remaining commitments under related construction contracts for business-type activities projects at year end are as follows:

Project Description	Authorized Contract	Contract Expenditures	Remaining Contract
GLO Generators	\$ 1,012,312	\$ 77,348	\$ 934,964
Lift Station #23 Expansion	1,389,800	351,859	1,037,941
Water Tank #4 Tank Replacement	378,500	81,982	296,518
54" Eastside Interceptor	2,076,000	1,422,936	653,064
54" Eastside Interceptor	16,044,022	420,214	15,623,808
Water Line Improvements Phase 3	549,900	288,648	261,252
Total	\$ 21,450,534	\$ 2,642,987	\$ 18,807,547

Encumbrances

At year end, the amounts of encumbrances expected to be honored upon performance by the vendor in the next year for business-type activities were as follows:

Water and sewer fund	\$ 26,850,856
Emergency medical services fund	25,097
Total	\$ 26,875,953

D. Pension Plans

1. Texas Municipal Retirement System

Plan Description

The City participates as one of 895 plans in the defined benefit cash-balance plan administered by TMRS. TMRS is a statewide public retirement plan created by the State and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the "TMRS Act") as an agent multiple-employer retirement system for employees of Texas participating cities. The TMRS Act places the general administration and management of TMRS with a six-member, Governor-appointed Board of Trustees; however, TMRS is not fiscally dependent on the State. TMRS issues a publicly available Annual Comprehensive Financial Report that can be obtained at www.tmr.com.

All eligible employees of the City are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the City-financed monetary credits, with interest, were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payment options. Members may also

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

choose to receive a portion of their benefit as a partial lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75 percent of the member's deposits and interest.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City were as follows:

	<u>2021</u>	<u>2020</u>
Employee deposit rate	7.00%	7.00%
Matching ratio (City to employee)	2 to 1	2 to 1
Years required for vesting	5	5
Service requirement eligibility (expressed as age/yrs of service)	60/5, 0/20	60/5, 0/20
Updated service credit	100% Repeating, Transfers	100% Repeating, Transfers
Annuity increase (to retirees)	70% of CPI	70% of CPI

Employees Covered by Benefit Terms

At the December 31, 2020 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	139
Inactive employees entitled to, but not yet receiving, benefits	252
Active employees	<u>227</u>
Total	<u><u>618</u></u>

Contributions

The contribution rates for employees in TMRS are either five percent, six percent, or seven percent of employee gross earnings, and the City-matching percentages are either 100 percent, 150 percent, or 200 percent, both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary using the Entry Age Normal (EAN) actuarial cost method. The City's contribution rate is based on the liabilities created from the benefit plan options selected by the City and any changes in benefits or actual experience over time.

Employees for the City were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rates for the City were 17.00% and 17.33% in calendar years 2020 and 2021, respectively. The City's contributions to TMRS for the fiscal year ended September 30, 2021 were \$2,229,049, which were equal to the required contributions.

Net Pension Liability

The City's Net Pension Liability (NPL) was measured as of December 31, 2020 and the Total Pension Liability (TPL) used to calculate the NPL was determined by an actuarial valuation as of that date.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Actuarial Assumptions

The TPL in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.50% per year
Overall payroll growth	2.75% per year
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases were based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-Distinct 2019 Municipal Retirees of Texas mortality tables. The rates for active members, healthy retirees, and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees are used with a four-year set-forward for males and a three-year set-forward for females. In addition, a 3.5 percent and 3.0 percent minimum mortality rate is applied for males and females, respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The postretirement mortality assumption for annuity purchase rates is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation, as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, the actuary focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive).

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

The target allocation and best estimates of real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return (Arithmetic)
Global Equity	30.00%	5.30%
Core Fixed Income	10.00%	1.25%
Non-Core Fixed Income	20.00%	4.14%
Real Return	10.00%	3.85%
Real Estate	10.00%	4.00%
Absolute Return	10.00%	3.48%
Private Equity	10.00%	7.75%
Total	100.00%	

Discount Rate

The discount rate used to measure the TPL was 6.75 percent. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the TMRS pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the TPL.

Changes in the NPL

	Increase (Decrease)		
	Total Pension Liability (A)	Plan Fiduciary Net Position (B)	Net Pension Liability (A) - (B)
Changes for the year:			
Service cost	\$ 1,960,996	\$ -	\$ 1,960,996
Interest	4,647,018	-	4,647,018
Changes in current period benefits	-	-	-
Difference between expected and actual experience	25,922	-	25,922
Changes in assumptions	-	-	-
Contributions - employer	-	1,990,464	(1,990,464)
Contributions - employee	-	819,734	(819,734)
Net investment income	-	4,640,479	(4,640,479)
Benefit payments, including refunds of employee contributions	(2,547,848)	(2,547,848)	-
Administrative expense	-	(30,030)	30,030
Other changes	-	(1,172)	1,172
Net Changes	4,086,088	4,871,627	(785,539)
Balance at December 31, 2019	69,138,130	61,139,675	7,998,455
Balance at December 31, 2020	\$ 73,224,218	\$ 66,011,302	\$ 7,212,916

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Sensitivity of the NPL to Changes in the Discount Rate

The following presents the NPL of the City, calculated using the discount rate of 6.75 percent, as well as what the City's NPL would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point higher (7.75%) than the current rate:

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
City's Net Pension Liability	\$ 17,917,584	\$ 7,212,916	\$ (1,504,572)

Pension Plan Fiduciary Net Position

Detailed information about the TMRS pension plan's fiduciary net position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at www.tmrs.com.

Pension Expense and Deferred Outflows/Deferred Inflows of Resources Related to Pensions

For the fiscal year ended September 30, 2021, the City recognized pension expense of \$1,056,815.

At September 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 48,349	\$ 11,226
Changes in actuarial assumptions	127,455	-
Net difference between projected and actual investment earnings	-	1,736,860
Contributions subsequent to the measurement date	1,681,902	-
Total	\$ 1,857,706	\$ 1,748,086

\$1,681,902 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the NPL for the fiscal year ending September 30, 2022. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Fiscal Year Ended September 30	Pension Expense
2022	\$ (511,737)
2023	68,415
2024	(1,026,249)
2025	(102,711)
Thereafter	-
Total	\$ (1,572,282)

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

2. Texas Emergency Services Retirement System

Plan Description

The City participates in a cost-sharing multiple employer pension plan that has a special funding situation. The plan is administered by the TESRS and established and administered by the State to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. At August 31, 2020, there were 238 contributing fire and/or emergency services department members participating in TESRS. Eligible participants include volunteer emergency services personnel who are members in good standing of a member department.

On August 31, 2020, the TESRS membership consisted of:

Retirees and Beneficiaries Currently Receiving Benefits	3,837
Terminated Members Entitled to Benefits but Not Yet Receiving Them	1,787
Active Participants (Vested and Nonvested)	3,634

Pension Plan Fiduciary Net Position

Detailed information about the TESRS's fiduciary net position is available in a separately-issued Annual Comprehensive Financial Report that includes financial statements and Required Supplementary Information. TESRS issues a publicly available Annual Financial Report, which includes financial statements, notes, and required supplementary information, which can be obtained at www.tesrs.org. The separately issued actuarial valuations that may be of interest are also available at the same link.

Benefits Provided

Senate Bill 411, 65th Legislature, Regular Session (1977), created TESRS and established the applicable benefit provisions. The 79th Legislature, Regular Session (2005), re-codified the provisions and gave the TESRS Board of Trustees (the "Board") authority to establish vesting requirements, contribution levels, benefit formulas, and eligibility requirements by Board rule. The benefit provisions include retirement benefits, as well as death and disability benefits. Members are 50 percent vested after the tenth year of service, with the vesting percentage increasing ten percent for each of the next five years of service so that a member becomes 100 percent vested with 15 years of service.

Upon reaching age 55, each vested member may retire and receive a monthly pension equal to his vested percentage multiplied by six times the governing body's average monthly contribution over the member's years of qualified service. For years of service in excess of 15 years, this monthly benefit is increased at the rate of 6.2 percent compounded annually. There is no provision for automatic postretirement benefit increases.

On and off-duty death benefits and on-duty disability benefits are dependent on whether or not the member was engaged in the performance of duties at the time of death or disability. Death benefits include a lump sum amount or continuing monthly payments to a member's surviving spouse and dependent children.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Funding Policy

Contributions are made by governing bodies for the participating departments. No contributions are required from the individuals who are members of TESRS, nor are they allowed. The governing bodies of each participating department are required to make contributions for each month a member performs emergency services for a department (this minimum contribution is \$36 per member and the department may make a higher monthly contribution for its members). This is referred to as a Part One contribution, which is the legacy portion of the TESRS contribution that directly impacts future retiree annuities.

The State is required to contribute an amount necessary to make TESRS “actuarially sound” each year, which may not exceed one-third of the total of all contributions made by participating governing bodies in a particular year.

The Board rule defining contributions was amended effective July 27, 2014 to add the potential for actuarially determined Part Two contributions that would be required only if the expected future annual contributions from the State are not enough with the Part One contributions to provide an adequate contribution arrangement as determined by the most recent actuarial valuation. This Part Two portion, which is actuarially determined as a percentage of the Part One portion (not to exceed 15 percent), is to be actuarially adjusted near the end of each even-numbered calendar year based on the most recent actuarial valuation. Based on the actuarial valuation as of August 31, 2016, the Part Two contributions were established by the Board to be two percent of the Part One contributions beginning September 1, 2017. Based on the August 31, 2018 and 2020 actuarial valuations, the Part Two contributions are not required for an adequate contribution arrangement.

Additional contributions may be made by governing bodies within two years of joining TESRS to grant up to 15 years of credit for service per member. Prior service purchased must have occurred before the department began participation in TESRS.

A small subset of participating departments has a different contribution arrangement that is being phased out over time. In this arrangement, contributions made in addition to the monthly contributions for active members are made by local governing bodies on a pay-as-you-go basis for members who were pensioners when their respective departments merged into TESRS. There is no actuarial impact associated with this arrangement as the pay-as-you-go contributions made by these governing bodies are always equal to benefit payments paid by TESRS.

Contributions

The contribution requirement per active emergency services personnel member per month is not actuarially determined. Rather, the minimum contribution provisions were set by Board rule, and there is no maximum contribution rate. For the fiscal year ending August 31, 2020, total contributions (dues, prior service, and interest on prior service financing) of \$106,519 were paid by the City. The State appropriated \$1,329,224 for the fiscal year ending August 31, 2020 to TESRS as a whole.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Actuarial Assumptions

The TPL in the August 31, 2020 actuarial valuation, was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Actuarial Valuation Date	August 31, 2020
Actuarial Cost Method	Entry Age
Amortization Method	Level Dollar, Open
Amortization Period	30 years
Asset Valuation Method	Market value smoothed by a 5-year deferred recognition method with a 80%/120% corridor on market value
Actuarial Assumptions:	
Investment Rate of Return*	7.75%
Projected Salary Increases	N/A
*Includes Inflation At	3.00%

Mortality rates were based on the RP-2000 Combined Healthy Lives Mortality Tables for males and for females projected to 2024 by scale AA. The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future net real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These components are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage (currently 5.01%) and by adding expected inflation (3.00%). In addition, the final 7.75 percent assumption reflected a reduction of 0.26 percent for adverse deviation. The target allocation and expected arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Net Real Rate of Return
Equities		
Large cap domestic	20.00%	5.83%
Small cap domestic	10.00%	5.94%
Developed international	15.00%	6.15%
Emerging markets	5.00%	7.25%
Global infrastructure	5.00%	6.41%
Multi asset income	5.00%	3.84%
Real estate	10.00%	4.48%
Fixed income	30.00%	1.99%
Total	100.00%	
Weighted average		4.60%

Discount Rate

The discount rate used to measure the TPL was 7.50 percent. No projection of cash flows was used to determine the discount rate because the August 31, 2020 actuarial valuation showed that expected contributions would pay the normal cost and amortize the unfunded actuarial accrued liability in 30

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

years using the conservative level dollar amortization method. Because on the 30-year amortization period with the conservative amortization method and with a lower value of assets, TESRS's fiduciary net position is expected to be available to make all projected future benefit payments of current active and inactive members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the TPL.

Discount Rate Sensitivity Analysis

The following presents the NPL of the City, calculated using the discount rate of 7.50%, as well as what the City's NPL would be if it were calculated using a discount rate that is one percentage point lower (6.50%) or one percentage point higher (8.50%) than the current rate:

	1% Decrease in Discount Rate (6.50%)	Discount Rate (7.50%)	1% Increase in Discount Rate (8.50%)
City's proportionate share of the NPL	\$ 1,177,880	\$ 589,430	\$ 317,879

Pension Liability, Pension Expense, and Deferred Outflows/Deferred Inflows of Resources Related to Pensions

At September 30, 2021, the City reported a liability of \$589,430 for its proportionate share of TESRS's NPL. The amount recognized by the City as its proportionate share of the NPL, the related State support, and the total portion of the NPL that was associated with the City were as follows:

City's proportionate share of the collective NPL	\$ 589,430
State's proportionate share that is associated with the City*	199,860
Total	\$ 789,290

**Calculated using the City's proportionate share of contributions multiplied by the State's share of the collective NPL.*

The TPL used to calculate the NPL was determined by an actuarial valuation as of August 31, 2020. GASB Statement No. 68, *Accounting and Financial Reporting for Pensions* (GASB 68) requires the NPL to be measured as of a date no earlier than the end of the employer's prior fiscal year. TESRS did not roll forward (nor did they provide the necessary information for the participants to roll forward) the NPL to be measured as of a date no earlier than the end of the City's prior fiscal year. While the City acknowledges that the measurement date does not fall within this 12-month period, the City elected to honor the conservatism principle and report an NPL measured as of August 31, 2020. The City used the assumption that any differences in the NPL measured as of August 31, 2020 versus September 30, 2021 would be immaterial. The employer's proportion of the NPL was based on the employer's contributions to TESRS relative to the contributions of all employers to TESRS for the period September 1, 2019 through August 31, 2020.

At September 30, 2021, the employer's proportion of the collective NPL was 2.064 percent, which was a decrease of 0.693 percent from its proportion measured as of September 30, 2020.

The assumptions reflect a change in investment rate of return on pension plan investments and discount rate used to measure the total pension liability from 7.75% to 7.50% based on the August

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

31, 2020, actuarial valuation. There were no other changes in assumptions or other inputs that affected measurement of the TPL during the measurement period.

There were no changes of benefit terms that affected measurement of the TPL during the measurement period.

For the measurement year ended August 31, 2020, the City recognized pension expense of \$156,199. The City recognized on-behalf revenues of \$44,461 calculated by taking the State's total contributions to TESRS multiplied by the City's proportionate share.

At August 31, 2020, the City reported its proportionate share of the TESRS's deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Net difference between projected and actual investment earnings	\$ 3,198	\$ -
Changes in assumptions	-	964
Difference between expected and actual experience	-	28,072
Contributions paid to TESRS subsequent to the measurement date	103,075	-
Total	\$ 106,273	\$ 29,036

The net amounts of the employer's balances of deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Fiscal Year Ended September 30	Pension Expense Amount
2022	\$ (25,079)
2023	(5,151)
2024	20,267
2025	(15,875)
Total	\$ (25,838)

3. Aggregate Pension Expense

The aggregate amount of pension expense for the TMRS and TESRS pension plans was \$1,213,014.

E. Other Postemployment Benefits

TMRS Supplemental Death Benefits Fund

Plan Description

The City participates in an OPEB plan administered by TMRS. TMRS administers the defined benefit group-term life insurance plan known as the SDBF. This is a voluntary program in which participating member cities may elect, by ordinance, to provide group-term life insurance coverage for their active members, including or not including retirees. Employers may terminate coverage under, and discontinue participation in, the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

The member city contributes to the SDBF at a contractually required rate (based on the covered payroll of employee members) as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. The intent is not to pre-fund retiree term life insurance during employees' entire careers. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* (GASB 75). As such, the SDBF is considered to be a single-employer unfunded OPEB defined benefit plan with benefit payments treated as being equal to the employer's yearly contributions for retirees.

The contributions to the SDBF are pooled for investment purposes with those of the Pension Trust Fund (PTF). The TMRS Act requires the PTF to allocate a five percent interest credit from investment income to the SDBF on an annual basis each December 31 based on the mean balance in the SDBF during the year.

Benefits

The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered an OPEB and is a fixed amount of \$7,500. As the SDBF covers both active and retiree participants with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e., no assets are accumulated). Participation in the SDBF as of December 31, 2020 is summarized below:

Inactive employees or beneficiaries currently receiving benefits	93
Inactive employees entitled to, but not yet receiving, benefits	35
Active employees	227
Total	355

Total OPEB Liability

The City's total OPEB liability of \$811,302 was measured as of December 31, 2020 and was determined by an actuarial valuation as of that date.

Actuarial Assumptions and Other Inputs

The total OPEB liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Inflation	2.5%
Salary increases	3.50% to 11.50% including inflation
Discount rate	2.00%*
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements under GASB 68.
Mortality rates-service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality rates-disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

* The discount rate is based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2020.

The actuarial assumptions used in the December 31, 2020 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

Changes in the Total OPEB Liability

	Total OPEB Liability
Changes for the year:	
Service cost	\$ 33,931
Interest	18,881
Differences between expected and actual experience	(19,091)
Changes of assumptions	110,294
Benefit payments*	(4,680)
Net Changes	139,335
Beginning balance	671,967
Ending Balance	\$ 811,302

* Benefit payments are treated as being equal to the employer's yearly contributions for retirees due to the SDBF being considered an unfunded OPEB plan under GASB 75.

There were no changes of assumptions or other inputs that affected measurement of the total OPEB liability during the measurement period.

There were no changes of benefit terms that affected measurement of the total OPEB liability during the measurement period.

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current discount rate:

	1% Decrease in Discount Rate (1.00%)	Discount Rate (2.00%)	1% Increase in Discount Rate (3.00%)
City's Total OPEB Liability	\$ 996,839	\$ 811,302	\$ 668,748

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended September 30, 2021, the City recognized OPEB expense of \$84,518. The City reported deferred outflows/inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 38,542
Changes in actuarial assumptions	171,803	18,735
Contributions subsequent to the measurement date	3,871	-
Total	\$ 175,674	\$ 57,277

\$3,871 reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability for the fiscal year ending September 30, 2022.

Amounts reported as deferred outflows/inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Fiscal Year Ended September 30	OPEB Expense Amount
2022	\$ 31,706
2023	26,832
2024	28,101
2025	24,549
2026	3,338
Thereafter	-
Total	\$ 114,526

F. Deferred Compensation Plan

The City offers its employees a deferred compensation plan (the “Plan”) created in accordance with Internal Revenue Code Section 457. The Plan, available to all City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. The Plan’s trust arrangements are established to protect deferred compensation amounts of employees under the Plan

CITY OF ALVIN, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

from any other use than intended under the Plan (eventual payment to employees deferring the compensation) in accordance with federal tax laws. Amounts of compensation deferred by employees under Plan provisions are disbursed monthly by the City to a third-party administrator. The third-party administrator handles all funds in the Plan and makes investment decisions and disburses funds to employees in accordance with Plan provisions.

G. Industrial District Agreement

On November 21, 2013, the City entered into an industrial district agreement (the “Agreement”) with one company (the “Company”) that purchased property within the City’s extraterritorial jurisdiction (known as the “industrial district”). This Company has agreed to pay an amount “in-lieu of taxes” in the unannexed area within the City’s extraterritorial jurisdiction. This Agreement was executed for a ten-year period. In the Agreement, the Company agreed to pay the City 50 percent of what the ad valorem taxes would have been had the Company’s land, improvements, and inventory been within the corporate limits of the City. During the fiscal year, the City received revenues of \$469,553 related to this Agreement.

REQUIRED SUPPLEMENTARY INFORMATION

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
GENERAL FUND

For the Year Ended September 30, 2021

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 9,827,905	\$ 9,827,905	\$ 9,894,588	\$ 66,683
Sales taxes	2,650,196	2,650,196	2,914,186	263,990
Franchise fees	1,270,000	1,270,000	1,169,965	(100,035)
Other taxes	522,084	522,084	538,394	16,310
Licenses and permits	987,530	987,530	1,440,488	452,958
Fines and forfeitures	557,000	557,000	431,936	(125,064)
Charges for services	459,248	459,248	557,031	97,783
Intergovernmental	25,500	25,500	290,666	265,166
Investment revenue	130,000	130,000	15,742	(114,258)
Other revenue	7,000	7,000	139,576	132,576
Total Revenues	16,436,463	16,436,463	17,392,572	956,109
Expenditures				
General government:				
Administrative	2,589,158	2,602,477	2,565,048	37,429
City attorney	332,777	339,056	311,836	27,220
City manager	353,667	359,538	365,839	(6,301) *
Finance	1,102,648	1,121,054	1,104,649	16,405
Economic development	571,578	605,422	266,012	339,410
Total general government expenditures	4,949,828	5,027,547	4,613,384	414,163
Public safety:				
Police	8,479,234	8,699,094	8,661,008	38,086
Fire	1,193,526	1,370,723	1,187,262	183,461
Total public safety expenditures	9,672,760	10,069,817	9,848,270	221,547
Public services	1,364,826	1,425,389	1,302,770	122,619
Code enforcement	127,724	127,724	100,814	26,910
Culture, parks, and recreation	2,085,495	2,216,471	2,039,006	177,465
Capital outlay	888,908	1,000,053	477,703	522,350
Debt service:				
Principal	37,758	37,758	29,250	8,508
Interest	8,508	8,508	8,508	-
Total Expenditures	19,135,807	19,913,267	18,419,705	1,493,562
(Deficiency) of Revenues				
(Under) Expenditures	(2,699,344)	(3,476,804)	(1,027,133)	2,449,671

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
GENERAL FUND, (Continued)
For the Year Ended September 30, 2021

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
<u>Other Financing Sources (Uses)</u>				
Transfers in	\$ 2,932,705	\$ 3,615,460	\$ 3,331,619	\$ (283,841)
Transfers (out)	(1,274,437)	(1,274,437)	(1,274,437)	-
Total Other Financing Sources	<u>1,658,268</u>	<u>2,341,023</u>	<u>2,057,182</u>	<u>(283,841)</u>
Net Change in Fund Balance	<u>\$ (1,041,076)</u>	<u>\$ (1,135,781)</u>	<u>1,030,049</u>	<u>\$ 2,165,830</u>
Beginning fund balance			<u>13,407,062</u>	
Ending Fund Balance			<u><u>\$ 14,437,111</u></u>	

Notes to Required Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).
2. *Expenditures did not exceed appropriation at the legal level of control. Expenditure includes subfunds for emergency purposes.

CITY OF ALVIN, TEXAS
SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2021

	Measurement Year*			
	2014	2015	2016	2017
Total Pension Liability				
Service cost	\$ 1,460,829	\$ 1,616,487	\$ 1,738,557	\$ 1,851,461
Interest (on the total pension liability)	3,560,403	3,719,799	3,776,318	3,959,729
Difference between expected and actual experience	(576,076)	(321,137)	(446,258)	(620,978)
Change of assumptions	-	(1,849)	-	-
Benefit payments, including refunds of employee contributions	(2,345,100)	(2,146,679)	(2,391,073)	(2,424,659)
Net Change in Total Pension Liability	2,100,056	2,866,621	2,677,544	2,765,553
Beginning total pension liability	51,305,029	53,405,085	56,271,706	58,949,250
Ending Total Pension Liability	\$ 53,405,085	\$ 56,271,706	\$ 58,949,250	\$ 61,714,803
Plan Fiduciary Net Position				
Contributions - employer	\$ 1,632,538	\$ 1,679,984	\$ 1,720,047	\$ 1,936,060
Contributions - employee	701,725	692,922	712,941	761,470
Net investment income	2,400,952	65,412	3,012,957	6,596,839
Benefit payments, including refunds of employee contributions	(2,345,100)	(2,146,679)	(2,391,073)	(2,424,659)
Administrative expense	(25,065)	(39,842)	(34,025)	(34,188)
Other	(2,061)	(1,967)	(1,833)	(1,733)
Net Change in Plan Fiduciary Net Position	2,362,989	249,830	3,019,014	6,833,789
Beginning plan fiduciary net position	41,966,465	44,329,454	44,579,284	47,598,298
Ending Plan Fiduciary Net Position	\$ 44,329,454	\$ 44,579,284	\$ 47,598,298	\$ 54,432,087
Net Pension Liability	\$ 9,075,631	\$ 11,692,422	\$ 11,350,952	\$ 7,282,716
Plan Fiduciary Net Position as a Percentage of Total Pension Liability	83.01%	79.22%	80.74%	88.20%
Covered Payroll	\$ 9,969,181	\$ 9,898,879	\$ 10,184,868	\$ 10,878,149
Net Pension Liability as a Percentage of Covered Payroll	91.04%	118.12%	111.45%	66.95%

*Only seven years of information is currently available. The City will build this schedule over the next three-year period.

Measurement Year*		
2018	2019	2020
\$ 1,815,221	\$ 1,835,604	\$ 1,960,996
4,146,821	4,370,163	4,647,018
(157,638)	83,126	25,922
-	341,667	-
(2,376,061)	(2,635,576)	(2,547,848)
3,428,343	3,994,984	4,086,088
61,714,803	65,143,146	69,138,130
<u>\$ 65,143,146</u>	<u>\$ 69,138,130</u>	<u>\$ 73,224,218</u>
\$ 1,884,709	\$ 1,837,781	\$ 1,990,464
748,324	762,113	819,734
(1,630,593)	8,197,761	4,640,479
(2,376,061)	(2,635,576)	(2,547,848)
(31,512)	(46,320)	(30,030)
(1,646)	(1,392)	(1,172)
(1,406,779)	8,114,367	4,871,627
54,432,087	53,025,308	61,139,675
<u>\$ 53,025,308</u>	<u>\$ 61,139,675</u>	<u>\$ 66,011,302</u>
<u>\$ 12,117,838</u>	<u>\$ 7,998,455</u>	<u>\$ 7,212,916</u>
81.40%	88.43%	90.15%
\$ 10,690,348	\$ 10,887,330	\$ 11,700,455
113.35%	73.47%	61.65%

CITY OF ALVIN, TEXAS
SCHEDULE OF THE CITY'S PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM (TESRS)
For the Year Ended September 30, 2021

		Measurement Year*			
		2014	2015	2016	2017
City's proportion of the net pension liability		2.245%	2.045%	2.284%	2.037%
City's proportionate share of the net pension liability		\$ 407,953	\$ 545,886	\$ 665,359	\$ 488,923
State's proportionate share of the net pension liability		137,856	189,220	230,021	160,103
Total		\$ 545,809	\$ 735,106	\$ 895,380	\$ 649,026
Number of Active Members**		44	50	50	44
City's net pension liability per active member		\$ 9,272	\$ 10,918	\$ 13,307	\$ 11,112
Plan fiduciary net position as a percentage of the total pension liability		83.5%	76.9%	76.3%	81.4%

*Only seven years of information is currently available. The City will build this schedule over the next three-year period.

**There is no compensation for active members. Number of active members is used instead.

Notes to Required Supplementary Information:

1. Changes in benefit terms

There were no changes of benefit terms that affected measurement of the TPL during the measurement period.

2. Changes in assumptions

Changes in assumptions reflect a change in investment rate of return on pension plan investments and discount rate used to measure the TPL from 7.75% to 7.50% based on August 31, 2020 actuarial valuation.

There were no other changes in assumptions or other inputs that affected measurement of the TPL during the measurement period.

Measurement Year*		
2018	2019	2020
2.175%	2.377%	2.338%
\$ 470,897	\$ 673,774	\$ 589,430
130,691	199,860	168,029
<u>\$ 601,588</u>	<u>\$ 873,634</u>	<u>\$ 757,459</u>
45	45	45
\$ 10,464	\$ 14,973	\$ 13,098
84.3%	80.2%	83.2%

CITY OF ALVIN, TEXAS
SCHEDULE OF CHANGES IN TOTAL OPEB LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2021

	Measurement Year*			
	2017	2018	2019	2020
Total OPEB Liability				
Service cost	\$ 20,668	\$ 23,519	\$ 21,775	\$ 33,931
Interest (on the total OPEB liability)	18,568	19,029	20,877	18,881
Differences between expected and actual experience	-	(7,769)	(30,934)	(19,091)
Change of assumptions	47,344	(41,769)	110,590	110,294
Benefit payments	(4,351)	(4,276)	(4,355)	(4,680)
Net Change in Total OPEB Liability	82,229	(11,266)	117,953	139,335
Beginning total OPEB liability	483,051	565,280	554,014	671,967
Ending Total OPEB Liability	\$ 565,280	\$ 554,014	\$ 671,967	\$ 811,302
Covered Payroll	\$ 10,878,149	\$ 10,690,348	\$ 10,887,330	\$ 11,700,455
Total OPEB Liability as a Percentage of Covered Payroll	5.20%	5.18%	6.17%	6.93%

*Only four years of information is currently available. The City will build this schedule over the next six-year period.

**Due to the SDBF being considered an unfunded OPEB plan under GASB 75, benefit payments are treated as being equal to the employer's yearly contributions for retirees.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

2. Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Inflation	2.5%
Salary increases	3.5% to 11.5% including inflation
Discount rate	2.0%
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements under GASB 68.
Mortality - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

3. Other Information:

No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB 75 to pay related benefits.

The discount rate was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2020.

There were no benefit changes during the year.

CITY OF ALVIN, TEXAS
SCHEDULE OF CONTRIBUTIONS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2021

	Fiscal Year*			
	2014	2015	2016	2017
Actuarially determined contribution	\$ 1,622,457	\$ 1,658,549	\$ 1,709,898	\$ 1,875,080
Contributions in relation to the actuarially determined contribution	1,537,110	1,636,064	1,709,898	1,875,080
Contribution deficiency**	<u>\$ 85,347</u>	<u>\$ 22,485</u>	<u>\$ -</u>	<u>\$ -</u>
Covered payroll	<u>\$ 9,505,867</u>	<u>\$ 9,753,201</u>	<u>\$ 10,123,318</u>	<u>\$ 10,679,704</u>
Contributions as a percentage of covered payroll	16.17%	16.77%	16.89%	17.56%

*Only eight years of information is currently available. The City will build this schedule over the next two-year period.

**Contribution deficiencies are the result of the City contributing at the TMRS allowed phase-in rate.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

2. Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Amortization method	Level percentage of payroll, closed
Remaining amortization period	25 years
Asset valuation method	10 year smoothed market; 12% soft corridor
Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Investment rate of return	6.75%
Retirement age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period December 31, 2014 - December 31, 2018.
Mortality	Post-retirement: 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP. Pre-retirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with scale UMP.

3. Other Information:

There were no benefit changes during the year.

Fiscal Year*			
2018	2019	2020	2021
\$ 1,872,284	\$ 1,851,134	\$ 1,943,783	\$ 2,233,887
1,872,284	1,851,134	1,943,783	2,233,887
\$ -	\$ -	\$ -	\$ -
\$ 10,592,375	\$ 10,835,370	\$ 11,455,188	\$ 12,924,196
17.68%	17.08%	16.97%	17.28%

CITY OF ALVIN, TEXAS
SCHEDULE OF CONTRIBUTIONS
TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM (TESRS)
For the Year Ended September 30, 2021

	Fiscal Year*			
	2014	2015	2016	2017
Contractually required contribution	\$ 101,675	\$ 96,600	\$ 104,650	\$ 98,525
Contributions in relation to the contractually required contribution	101,675	96,600	104,650	98,525
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Number of active members**	44	44	50	47
Contributions per active member	\$ 2,311	\$ 2,195	\$ 2,093	\$ 2,096

*Only eight years of information is currently available. The City will build this schedule over the next two-year period.

**There is no compensation for active members. Number of active members is used instead.

Fiscal Year*			
2018	2019	2020	2021
\$ 104,155	\$ 106,520	\$ 109,005	\$ 103,075
104,155	106,520	109,005	103,075
\$ -	\$ -	\$ -	\$ -
47	46	47	44
\$ 2,216	\$ 2,316	\$ 2,319	\$ 2,343

***COMBINING STATEMENTS
AND SCHEDULES***

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
DEBT SERVICE FUND
For the Year Ended September 30, 2021

	<u>Original Budget Amounts</u>	<u>Final Budget Amounts</u>	<u>Actual Amounts</u>	<u>Variance with Final Budget Positive (Negative)</u>
<u>Revenues</u>				
Property taxes	\$ 2,008,793	\$ 2,008,793	\$ 2,042,573	\$ 33,780
Investment revenue	-	-	11	11
Total Revenues	<u>2,008,793</u>	<u>2,008,793</u>	<u>2,042,584</u>	<u>33,791</u>
<u>Expenditures</u>				
Debt service:				
Principal	1,299,656	1,299,656	1,299,656	-
Interest and fiscal fees	818,443	818,443	779,137	39,306
Total Expenditures	<u>2,118,099</u>	<u>2,118,099</u>	<u>2,078,793</u>	<u>39,306</u>
Net Change in Fund Balance	<u>\$ (109,306)</u>	<u>\$ (109,306)</u>	(36,209)	<u>\$ 73,097</u>
Beginning fund balance			<u>383,194</u>	
Ending Fund Balance			<u>\$ 346,985</u>	

CITY OF ALVIN, TEXAS
NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

Special Revenue Funds are used to account for specific revenues that are legally restricted, committed, or assigned to expenditures for particular purposes.

Hotel/Motel Fund

This fund is used to account for hotel/motel tax revenue from local hotels and motels.

Special Investigation Fund

This fund is used to account for donations and expenditures related to law enforcement.

Court Building Security Fund

This fund is used to account for collection and disbursement of money used for court security.

Municipal Court Technology Fund

This fund is used to account for municipal court computer technology.

Donation Fund

This fund is designated to receive donations for various related activities.

Juvenile Case Manager Fund

This fund is used to account for revenues and expenditures related to juvenile case management.

Senior Fund

This fund is used to account for revenues and expenditures for senior citizen outreach.

Park Dedication Fund

This fund is designated to receive donations for local parks.

Comcast PEG Fees Fund

This fund is used to account for revenues and expenditures from Public, Educational, and Governmental access fees.

TIRZ No. 1 Fund

This fund is designated to separate property tax funds that will be utilized to pay for super speedway development.

TIRZ No. 2 Fund

This fund is designated to separate property tax funds that will be utilized to pay for certain infrastructure costs for the Kendall Lakes Redevelopment Authority.

TIRZ No. 3 Fund

This fund is designated to separate property tax funds that will be utilized to pay for certain infrastructure costs.

Kendall Lakes TIRZ Redevelopment Authority

This fund is used to account for the development activity related to the Kendall Lakes area in TIRZ No. 2.

Sidewalk Fund

This fund is used to account for fees that are restricted for sidewalk projects.

PERMANENT FUND

The fund is used to account for resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the City's programs.

Cemetery Fund

This fund is to account for the endowment of assets contributed and proceeds being expensed.

CITY OF ALVIN, TEXAS
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS (Page 1 of 2)
September 30, 2021

	Special Revenue Funds			
	Hotel/ Motel	Special Investigation	Court Building Security	Municipal Court Technology
<u>Assets</u>				
Cash and equity in pooled cash and investments	\$ 465,241	\$ 58,778	\$ 141,013	\$ 48,001
Receivables, net	40,588	-	-	-
Prepaid items	5,000	-	12	-
Total Assets	\$ 510,829	\$ 58,778	\$ 141,025	\$ 48,001
<u>Liabilities and Fund Balances</u>				
Liabilities:				
Accounts payable and accrued liabilities	\$ 16,503	\$ 2,088	\$ -	\$ 274
Total Liabilities	16,503	2,088	-	274
Fund balances:				
Nonspendable:				
Prepaid items	5,000	-	12	-
Perpetual care	-	-	-	-
Restricted for:				
Sidewalk projects	-	-	-	-
Enabling legislation	489,326	-	141,013	47,727
Tax increment reinvestment zone	-	-	-	-
Permanent fund	-	-	-	-
Assigned to:				
Special projects	-	56,690	-	-
Total Fund Balances	494,326	56,690	141,025	47,727
Total Liabilities and Fund Balances	\$ 510,829	\$ 58,778	\$ 141,025	\$ 48,001

Special Revenue Funds

Donation	Juvenile Case Manager	Senior	Park Dedication	Comcast PEG Fees	TIRZ No. 1
\$ 124,878	\$ 92,772	\$ 8,438	\$ 386,271	\$ 422,628	\$ 10,061
-	-	-	-	20,814	-
-	-	-	-	-	-
<u>\$ 124,878</u>	<u>\$ 92,772</u>	<u>\$ 8,438</u>	<u>\$ 386,271</u>	<u>\$ 443,442</u>	<u>\$ 10,061</u>
\$ 4,248	\$ 402	\$ 446	\$ -	\$ -	\$ -
<u>4,248</u>	<u>402</u>	<u>446</u>	<u>-</u>	<u>-</u>	<u>-</u>
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	443,442	-
-	-	-	-	-	10,061
-	-	-	-	-	-
<u>120,630</u>	<u>92,370</u>	<u>7,992</u>	<u>386,271</u>	<u>-</u>	<u>-</u>
<u>120,630</u>	<u>92,370</u>	<u>7,992</u>	<u>386,271</u>	<u>443,442</u>	<u>10,061</u>
<u>\$ 124,878</u>	<u>\$ 92,772</u>	<u>\$ 8,438</u>	<u>\$ 386,271</u>	<u>\$ 443,442</u>	<u>\$ 10,061</u>

CITY OF ALVIN, TEXAS
COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS (Page 2 of 2)
September 30, 2021

	Special Revenue Funds			
			Kendall Lakes TIRZ Redevelop- ment Authority	Sidewalk
<u>Assets</u>	<u>TIRZ No. 2</u>	<u>TIRZ No. 3</u>		
Cash and equity in pooled cash and investments	\$ 135,082	\$ 24,555	\$ 1,476,301	\$ 61,699
Receivables, net	-	-	-	-
Prepaid items	-	-	-	-
Total Assets	\$ 135,082	\$ 24,555	\$ 1,476,301	\$ 61,699
<u>Liabilities and Fund Balances</u>				
Liabilities:				
Accounts payable and accrued liabilities	\$ -	\$ -	\$ -	\$ -
Total Liabilities	-	-	-	-
Fund balances:				
Nonspendable:				
Prepaid items	-	-	-	-
Perpetual care	-	-	-	-
Restricted for:				
Sidewalk projects	-	-	-	61,699
Enabling legislation	-	-	-	-
Tax increment reinvestment zone	135,082	24,555	1,476,301	-
Permanent fund	-	-	-	-
Assigned to:				
Special projects	-	-	-	-
Total Fund Balances	135,082	24,555	1,476,301	61,699
Total Liabilities and Fund Balances	\$ 135,082	\$ 24,555	\$ 1,476,301	\$ 61,699

Permanent Fund		Total Nonmajor Governmental Funds
Cemetery		
\$ 767,634	\$ 4,223,352	
-	61,402	
-	5,012	
<u>\$ 767,634</u>	<u>\$ 4,289,766</u>	
<u>\$ 21</u>	<u>\$ 23,982</u>	
<u>21</u>	<u>23,982</u>	
-	5,012	
50,000	50,000	
-	61,699	
-	1,121,508	
-	1,645,999	
717,613	717,613	
-	663,953	
<u>767,613</u>	<u>4,265,784</u>	
<u>\$ 767,634</u>	<u>\$ 4,289,766</u>	

CITY OF ALVIN, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS (Page 1 of 2)
For the Year Ended September 30, 2021

	Special Revenue Funds			
	Hotel/ Motel	Special Investigation	Court Building Security	Municipal Court Technology
Revenues				
Property taxes	\$ -	\$ -	\$ -	\$ -
Franchise fees	-	-	-	-
Hotel occupancy tax	306,484	-	-	-
Fines and forfeitures	-	-	11,330	9,848
Charges for services	-	-	-	-
Intergovernmental	-	3,104	-	-
Investment revenue	25,254	25	28	-
Other revenue	-	12,264	-	-
Total Revenues	331,738	15,393	11,358	9,848
Expenditures				
Current:				
General government	-	-	-	-
Public safety	-	53,438	8,288	15,256
Community services	298,319	-	-	-
Culture, parks, and recreation	-	-	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal	5,985	-	-	-
Interest and fiscal charges	1,290	-	-	-
Total Expenditures	305,594	53,438	8,288	15,256
Excess (Deficiency) of Revenues				
Over (Under) Expenditures	26,144	(38,045)	3,070	(5,408)
Other Financing Sources (Uses)				
Transfer in	-	-	-	-
Transfers (out)	(6,488)	-	-	-
Total Other Financing Sources (Uses)	(6,488)	-	-	-
Net Change in Fund Balances	19,656	(38,045)	3,070	(5,408)
Beginning fund balances	474,670	94,735	137,955	53,135
Ending Fund Balances	\$ 494,326	\$ 56,690	\$ 141,025	\$ 47,727

Special Revenue Funds

Donation	Juvenile Case Manager	Senior	Park Dedication	Comcast PEG Fees	TIRZ No. 1
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	47,278	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
21,295	-	-	-	-	-
11	-	5	120	-	-
-	12,625	392	119,100	-	-
21,306	12,625	397	119,220	47,278	-
375	-	-	-	-	-
3,527	18,797	-	-	-	-
-	-	1,692	-	-	-
14,995	-	-	-	-	-
-	-	-	99,379	34,002	-
-	-	-	-	-	-
-	-	-	-	-	-
18,897	18,797	1,692	99,379	34,002	-
2,409	(6,172)	(1,295)	19,841	13,276	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
2,409	(6,172)	(1,295)	19,841	13,276	-
118,221	98,542	9,287	366,430	430,166	10,061
<u>\$ 120,630</u>	<u>\$ 92,370</u>	<u>\$ 7,992</u>	<u>\$ 386,271</u>	<u>\$ 443,442</u>	<u>\$ 10,061</u>

CITY OF ALVIN, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS (Page 2 of 2)
For the Year Ended September 30, 2021

		Special Revenue Funds			
		Kendall Lakes TIRZ Redevelop- ment Authority			Sidewalk
		TIRZ No. 2	TIRZ No. 3		
Revenues					
Property taxes	\$	640,405	\$	4,375	\$ -
Franchise fees		-		-	-
Hotel occupancy tax		-		-	-
Fines and forfeitures		-		-	-
Charges for services		-		-	20,498
Intergovernmental		-		-	-
Investment revenue		-		538	-
Other revenue		-		-	-
Total Revenues		640,405	4,375	538	20,498
Expenditures					
Current:					
General government		-		215,997	-
Public safety		-		-	-
Community services		-		-	-
Culture, parks, and recreation		-		-	-
Capital outlay		-		-	-
Debt service:					
Principal		-		-	-
Interest and fiscal charges		-		-	-
Total Expenditures		-	-	215,997	-
Excess (Deficiency) of Revenues					
Over (Under) Expenditures		640,405	4,375	(215,459)	20,498
Other Financing Sources (Uses)					
Transfer in		-		604,859	-
Transfers (out)		(604,859)		-	-
Total Other Financing Sources (Uses)		(604,859)	-	604,859	-
Net Change in Fund Balances		35,546	4,375	389,400	20,498
Beginning fund balances		99,536		1,086,901	41,201
Ending Fund Balances		\$ 135,082	\$ 24,555	\$ 1,476,301	\$ 61,699

Permanent Fund			
Cemetery		Total Nonmajor Governmental Funds	
\$	-	\$	644,780
	-		47,278
	-		306,484
	-		21,178
	122,379		142,877
	-		24,399
	218		26,199
	-		144,381
	122,597		1,357,576
	-		216,372
	-		99,306
	26,878		326,889
	-		14,995
	-		133,381
	-		5,985
	-		1,290
	26,878		798,218
	95,719		559,358
	-		604,859
	(33,748)		(645,095)
	(33,748)		(40,236)
	61,971		519,122
	705,642		3,746,662
\$	767,613	\$	4,265,784

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS
For the Year Ended September 30, 2021

		Hotel/Motel			
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative (Negative)
Revenues					
Hotel occupancy tax		\$ 235,000	\$ 235,000	\$ 306,484	\$ 71,484
Investment revenue		29,500	29,500	25,254	(4,246)
Total Revenues		264,500	264,500	331,738	67,238
Expenditures					
Current:					
Community services		341,681	345,592	298,319	47,273
Debt Service:					
Principal		5,985	5,985	5,985	-
Interest and fiscal charges		1,290	1,290	1,290	-
Total Expenditures		348,956	352,867	305,594	47,273
Excess (Deficiency) of Revenues Over (Under) Expenditures		(84,456)	(88,367)	26,144	114,511
Other Financing Sources (Uses)					
Transfers (out)		(6,488)	(6,488)	(6,488)	-
Total Other Financing (Uses)		(6,488)	(6,488)	(6,488)	-
Net Change in Fund Balance		\$ (90,944)	\$ (94,855)	19,656	\$ 114,511
Beginning fund balance				474,670	
Ending Fund Balance				\$ 494,326	

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Special Investigation				Variance with Final Budget Positive (Negative)
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues				
Intergovernmental	\$ 3,500	\$ 3,500	\$ 3,104	\$ (396)
Investment revenue	1,000	1,000	25	(975)
Other revenue	25,000	25,000	12,264	(12,736)
Total Revenues	29,500	29,500	15,393	(14,107)
Expenditures				
Current:				
Public safety	39,000	39,850	53,438	(13,588) *
Net Change in Fund Balance	\$ (9,500)	\$ (10,350)	(38,045)	\$ (27,695)
Beginning fund balance			94,735	
Ending Fund Balance			\$ 56,690	

Court Building Security				Variance with Final Budget Positive (Negative)
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues				
Fines and forfeitures	\$ 12,000	\$ 12,000	\$ 11,330	\$ (670)
Investment revenue	1,000	1,000	28	(972)
Total Revenues	13,000	13,000	11,358	(1,642)
Expenditures				
Current:				
Public safety	13,537	13,537	8,288	5,249
Total Expenditures	13,537	13,537	8,288	5,249
Net Change in Fund Balance	\$ (537)	\$ (537)	3,070	\$ 3,607
Beginning fund balance			137,955	
Ending Fund Balance			\$ 141,025	

* Expenditures exceeded appropriations at the legal level of control.

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Municipal Court Technology				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Fines and forfeitures	\$ 17,000	\$ 17,000	\$ 9,848	\$ (7,152)
Investment revenue	300	300	-	(300)
Total Revenues	17,300	17,300	9,848	(7,452)
Expenditures				
Current:				
Public safety	15,157	15,157	15,256	(99) *
Total Expenditures	15,157	15,157	15,256	(99)
Net Change in Fund Balance	\$ 2,143	\$ 2,143	(5,408)	\$ (7,551)
Beginning fund balance			53,135	
Ending Fund Balance			\$ 47,727	

Donation				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Intergovernmental	\$ 20,000	\$ 20,000	\$ 21,295	\$ 1,295
Investment revenue	-	-	11	11
Total Revenues	20,000	20,000	21,306	1,306
Expenditures				
Current:				
General government	2,000	2,000	375	1,625
Public safety	-	4,013	3,527	486
Culture, parks, and recreation	10,000	10,000	14,995	(4,995) *
Total Expenditures	12,000	16,013	18,897	(2,884)
Net Change in Fund Balance	\$ 8,000	\$ 3,987	2,409	\$ (1,578)
Beginning fund balance			118,221	
Ending Fund Balance			\$ 120,630	

* Expenditures exceeded appropriations at the legal level of control.

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

	Juvenile Case Manager			
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Investment revenue	\$ 900	\$ 900	\$ -	\$ (900)
Other revenue	25,000	25,000	12,625	(12,375)
Total Revenues	25,900	25,900	12,625	(13,275)
Expenditures				
Current:				
Public safety	28,882	28,883	18,797	10,086
Total Expenditures	28,882	28,883	18,797	10,086
Net Change in Fund Balance	\$ (2,982)	\$ (2,983)	(6,172)	\$ (3,189)
Beginning fund balance			98,542	
Ending Fund Balance			\$ 92,370	
	Senior			
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Investment revenue	\$ 100	\$ 100	\$ 5	\$ (95)
Other revenue	7,500	7,500	392	(7,108)
Total Revenues	7,600	7,600	397	(7,203)
Expenditures				
Current:				
Community services	7,500	7,500	1,692	5,808
Total Expenditures	7,500	7,500	1,692	5,808
Net Change in Fund Balance	\$ 100	\$ 100	(1,295)	\$ (1,395)
Beginning fund balance			9,287	
Ending Fund Balance			\$ 7,992	

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

		Park Dedication			Variance with Final Budget Positive (Negative)
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues					
	Other revenue	\$ 40,000	\$ 40,000	\$ 119,100	\$ 79,100
	Investment revenue	-	-	120	120
	Total Revenues	40,000	40,000	119,220	79,220
Expenditures					
	Capital outlay	50,000	50,000	99,379	(49,379) *
	Total Expenditures	50,000	50,000	99,379	(49,379)
	Net Change in Fund Balance	\$ (10,000)	\$ (10,000)	19,841	\$ 29,841
Beginning fund balance				366,430	
	Ending Fund Balance			\$ 386,271	

		Comcast PEG Fees			Variance with Final Budget Positive (Negative)
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues					
	Franchise fees	\$ 50,000	\$ 50,000	\$ 47,278	\$ (2,722)
	Investment revenue	4,000	4,000	-	(4,000)
	Total Revenues	54,000	54,000	47,278	(6,722)
Expenditures					
	Capital outlay	-	-	34,002	(34,002) *
	Total Expenditures	-	-	34,002	(34,002)
	Net Change in Fund Balance	\$ 54,000	\$ 54,000	13,276	\$ (40,724)
Beginning fund balance				430,166	
	Ending Fund Balance			\$ 443,442	

* Expenditures exceeded appropriations at the legal level of control.

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

TIRZ No. 2

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 641,223	\$ 641,223	\$ 640,405	\$ (818)
Total Revenues	641,223	641,223	640,405	(818)
Excess of Revenues Over Expenditures	641,223	641,223	640,405	(818)
Other Financing Sources (Uses)				
Transfers (out)	(609,162)	(609,162)	(604,859)	4,303
Total Other Financing (Uses)	(609,162)	(609,162)	(604,859)	4,303
Net Change in Fund Balance	<u>\$ 32,061</u>	<u>\$ 32,061</u>	35,546	<u>\$ 3,485</u>
Beginning fund balance			99,536	
Ending Fund Balance			<u>\$ 135,082</u>	

Kendall Lakes TIRZ Redevelopment Authority

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Investment revenue	\$ 5,000	\$ 5,000	\$ 538	\$ (4,462)
Total Revenues	5,000	5,000	538	(4,462)
Expenditures				
Current:				
General government	248,261	248,261	215,997	32,264
Total Expenditures	248,261	248,261	215,997	32,264
(Deficiency) of Revenues (Under) Expenditures	(243,261)	(243,261)	(215,459)	27,802
Other Financing Sources (Uses)				
Transfers in (out)	609,162	(609,162)	604,859	1,214,021
Total Other Financing Sources (Uses)	609,162	(609,162)	604,859	1,214,021
Net Change in Fund Balance	<u>\$ 365,901</u>	<u>\$ (852,423)</u>	389,400	<u>\$ 1,241,823</u>
Beginning fund balance			1,086,901	
Ending Fund Balance			<u>\$ 1,476,301</u>	

CITY OF ALVIN, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES - BUDGET AND ACTUAL
NONMAJOR PERMANENT FUND
For the Year Ended September 30, 2021

		Cemetery			
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
<u>Revenues</u>					
Charges for services		\$ 46,500	\$ 46,500	\$ 122,379	\$ 75,879
Investment revenue		5,000	5,000	218	(4,782)
Total Revenues		51,500	51,500	122,597	71,097
<u>Expenditures</u>					
Current:					
Community services		37,025	29,000	26,878	2,122
Total Expenditures		37,025	29,000	26,878	2,122
Excess of Revenues Over Expenditures		14,475	22,500	95,719	73,219
<u>Other Financing Sources (Uses)</u>					
Transfers (out)		(28,434)	(36,459)	(33,748)	2,711
Total Other Financing (Uses)		(28,434)	(36,459)	(33,748)	2,711
Net Change in Fund Balance		\$ (13,959)	\$ (13,959)	61,971	\$ 75,930
Beginning fund balance				705,642	
Ending Fund Balance				\$ 767,613	

CITY OF ALVIN, TEXAS

INTERNAL SERVICE FUNDS

September 30, 2021

Vehicle Maintenance Fund

This internal service fund is used to account for equipment replacement and maintenance services to departments or agencies of the City on a cost reimbursement basis.

Vehicle Replacement Fund

This internal service fund is used to account for vehicle replacement services to departments or agencies of the City on a cost reimbursement basis.

IT Maintenance Fund

This internal service fund is used to account for IT maintenance services to departments or agencies of the City on a cost reimbursement basis.

Computer Replacement Fund

This internal service fund is used to account for computer replacement services to departments or agencies of the City on a cost reimbursement basis.

Building Maintenance Fund

This internal service fund is used to account for building maintenance to departments or agencies of the City on a cost reimbursement basis.

CITY OF ALVIN, TEXAS
COMBINING STATEMENT OF NET POSITION
INTERNAL SERVICE FUNDS
September 30, 2021

	<u>Vehicle Maintenance</u>	<u>Vehicle Replacement</u>	<u>IT Maintenance</u>	<u>Computer Replacement</u>
<u>Assets</u>				
Current assets:				
Cash and equity in pooled cash and investments	\$ 760,998	\$ 3,171,443	\$ 904,761	\$ 329,264
Inventory	26,089	-	-	-
Prepaid items	-	-	2,237	2,222
Total Current Assets	<u>787,087</u>	<u>3,171,443</u>	<u>906,998</u>	<u>331,486</u>
Noncurrent assets:				
Capital assets:				
Buildings	7,754	-	-	-
Equipment	65,372	3,285,038	-	202,579
Less: accumulated depreciation	<u>(52,900)</u>	<u>(2,415,452)</u>	<u>-</u>	<u>(82,843)</u>
Total Capital Assets (Net of Accumulated Depreciation)	<u>20,226</u>	<u>869,586</u>	<u>-</u>	<u>119,736</u>
Total Noncurrent Assets	<u>20,226</u>	<u>869,586</u>	<u>-</u>	<u>119,736</u>
Total Assets	<u>807,313</u>	<u>4,041,029</u>	<u>906,998</u>	<u>451,222</u>
<u>Deferred Outflows of Resources</u>				
Deferred outflows - pensions	18,449	-	17,147	-
Total Deferred Outflows of Resources	<u>18,449</u>	<u>-</u>	<u>17,147</u>	<u>-</u>
<u>Liabilities and Net Position</u>				
Current liabilities:				
Accounts payable	17,046	-	2,689	1,237
Compensated absences	9,803	-	4,436	-
Total Current Liabilities	<u>26,849</u>	<u>-</u>	<u>7,125</u>	<u>1,237</u>
Noncurrent liabilities:				
Compensated absences	1,089	-	493	-
Net pension liability	132,061	-	39,312	-
Total Noncurrent Liabilities	<u>133,150</u>	<u>-</u>	<u>39,805</u>	<u>-</u>
Total Liabilities	<u>159,999</u>	<u>-</u>	<u>46,930</u>	<u>1,237</u>
<u>Deferred Inflows of Resources</u>				
Deferred inflows - pensions	2,777	-	11,176	-
Total Deferred Inflows of Resources	<u>2,777</u>	<u>-</u>	<u>11,176</u>	<u>-</u>
<u>Net Position</u>				
Net investment in capital assets	20,226	869,586	-	119,736
Unrestricted	642,760	3,171,443	866,039	330,249
Total Net Position	<u>\$ 662,986</u>	<u>\$ 4,041,029</u>	<u>\$ 866,039</u>	<u>\$ 449,985</u>

<u>Building Maintenance</u>	<u>Total Internal Service Funds</u>
\$ 6,591	\$ 5,173,057
-	26,089
-	4,459
<u>6,591</u>	<u>5,203,605</u>
-	7,754
126,216	3,679,205
-	(2,551,195)
<u>126,216</u>	<u>1,135,764</u>
<u>126,216</u>	<u>1,135,764</u>
<u>132,807</u>	<u>6,339,369</u>
-	35,596
-	35,596
132,807	153,779
-	14,239
<u>132,807</u>	<u>168,018</u>
-	1,582
-	171,373
-	172,955
<u>132,807</u>	<u>340,973</u>
-	13,953
-	13,953
126,216	1,135,764
<u>(126,216)</u>	<u>4,884,275</u>
<u>\$ -</u>	<u>\$ 6,020,039</u>

CITY OF ALVIN, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENSES,
AND CHANGES IN FUND NET POSITION
INTERNAL SERVICE FUNDS
For the Year Ended September 30, 2021

	<u>Vehicle Maintenance</u>	<u>Vehicle Replacement</u>	<u>IT Maintenance</u>	<u>Computer Replacement</u>
<u>Operating Revenues</u>				
Charges for sales and services	\$ 764,890	\$ 574,134	\$ 729,602	\$ 46,140
Other revenues	28,818	45,864	-	-
Total Operating Revenues	793,708	619,998	729,602	46,140
<u>Operating Expenses</u>				
Personnel services	208,935	-	157,293	-
Supplies	531,604	598,486	360,039	40,922
Depreciation	4,246	187,291	-	19,283
Total Operating Expenses	744,785	785,777	517,332	60,205
Operating Income (Loss)	48,923	(165,779)	212,270	(14,065)
<u>Nonoperating Revenues</u>				
Gain on disposal of capital assets	-	157,318	-	-
Investment revenues	335	800	1,082	29
Total Nonoperating Revenues	335	158,118	1,082	29
Change in Net Position	49,258	(7,661)	213,352	(14,036)
Beginning net position	613,728	4,048,690	652,687	464,021
Ending Net Position	\$ 662,986	\$ 4,041,029	\$ 866,039	\$ 449,985

Building Maintenance	Total Internal Service Funds
\$ -	\$ 2,114,766
-	74,682
-	2,189,448
-	366,228
-	1,531,051
-	210,820
-	2,108,099
-	81,349
-	157,318
-	2,246
-	159,564
-	240,913
-	5,779,126
<u>\$ -</u>	<u>\$ 6,020,039</u>

CITY OF ALVIN, TEXAS
COMBINING STATEMENT OF CASH FLOWS
INTERNAL SERVICE FUNDS
For the Year Ended September 30, 2021

	Vehicle Maintenance	Vehicle Replacement	IT Maintenance	Computer Replacement
<u>Cash Flows from Operating Activities</u>				
Receipts from customers and users	\$ 785,023	\$ 620,731	\$ 779,176	\$ 43,918
Payments to suppliers	(553,537)	(598,486)	(373,918)	(39,685)
Payments to employees	(229,006)	-	(170,542)	-
Net Cash Provided by Operating Activities	<u>2,480</u>	<u>22,245</u>	<u>234,716</u>	<u>4,233</u>
<u>Cash Flows from Capital and Related Financing Activities</u>				
Acquisition and construction of capital assets	-	(141,718)	-	(80,426)
Proceeds from sale of capital assets	-	157,318	-	-
Net Cash Provided (Used) by Capital and Related Financing Activities	<u>-</u>	<u>15,600</u>	<u>-</u>	<u>(80,426)</u>
<u>Cash Flows from Investing Activities</u>				
Interest on investments	335	800	1,082	29
Net Cash Provided by Investing Activities	<u>335</u>	<u>800</u>	<u>1,082</u>	<u>29</u>
Net Increase (Decrease) in Cash and Equity in Pooled Cash and Investments	2,815	38,645	235,798	(76,164)
Beginning cash and equity in pooled cash and investments	758,183	3,132,798	668,963	405,428
Ending Cash and Equity in Pooled Cash and Investments	<u><u>\$ 760,998</u></u>	<u><u>\$ 3,171,443</u></u>	<u><u>\$ 904,761</u></u>	<u><u>\$ 329,264</u></u>
Reconciliation of Operating Income to Net Cash Provided by Operating Activities				
Operating income (loss)	\$ 48,923	\$ (165,779)	\$ 212,270	\$ (14,065)
Adjustments to reconcile operating income (loss) to net cash provided by operating activities:				
Depreciation	4,246	187,291	-	19,283
Changes in Operating Assets and Liabilities:				
(Increase) Decrease in Current Assets:				
Accounts receivable	-	733	-	-
Deferred outflows of resources	(5,357)	-	(2,327)	-
Inventories	(8,685)	-	-	-
Prepays	-	-	49,574	(2,222)
Increase (Decrease) in Current Liabilities:				
Accounts payable	(21,933)	-	(13,879)	1,237
Net pension liability	(8,146)	-	(7,347)	-
Deferred inflows of resources	(6,568)	-	(3,575)	-
Net Cash Provided by Operating Activities	<u><u>\$ 2,480</u></u>	<u><u>\$ 22,245</u></u>	<u><u>\$ 234,716</u></u>	<u><u>\$ 4,233</u></u>

Building Maintenance	Total Internal Service Funds
\$ -	\$ 2,228,848
132,807	(1,432,819)
-	(399,548)
<u>132,807</u>	<u>396,481</u>
(126,216)	(348,360)
-	157,318
<u>(126,216)</u>	<u>(191,042)</u>
-	2,246
-	2,246
6,591	207,685
-	4,965,372
<u>\$ 6,591</u>	<u>\$ 5,173,057</u>
\$ -	\$ 81,349
-	210,820
-	733
-	(7,684)
-	(8,685)
-	47,352
132,807	98,232
-	(15,493)
-	(10,143)
<u>\$ 132,807</u>	<u>\$ 396,481</u>

***OTHER
STATEMENTS***

CITY OF ALVIN, TEXAS
CONSOLIDATED BALANCE SHEET
GENERAL FUND - SUB-FUNDS
September 30, 2021

	General Operating	Fire Capital	Tree Preservation	Disaster
<u>Assets</u>				
Cash and equity in pooled cash and investments	\$ 8,822,390	\$ 60,884	\$ 138,978	\$ 306,572
Investments	238,169	-	-	-
Receivables, net	1,525,629	-	-	-
Prepaid items	22,717	608,735	-	-
Total Assets	\$ 10,608,905	\$ 669,619	\$ 138,978	\$ 306,572
<u>Liabilities</u>				
Accounts payable and accrued liabilities	\$ 350,076	\$ -	\$ -	\$ -
Other payables	79,812	-	-	-
Unearned revenue	11,904	-	-	-
Total Liabilities	441,792	-	-	-
<u>Deferred Inflows of Resources</u>				
Unavailable revenue - property taxes	357,054	-	-	-
Total Deferred Inflows of Resources	357,054	-	-	-
<u>Fund Balances</u>				
Nonspendable:				
Prepaid items	22,717	608,735	-	-
Assigned to:				
Special projects	-	-	-	-
Disaster recovery	-	-	-	306,572
Compensated absences	759,849	-	-	-
Unassigned	9,027,493	60,884	138,978	-
Total Fund Balances	9,810,059	669,619	138,978	306,572
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	\$ 10,608,905	\$ 669,619	\$ 138,978	\$ 306,572

COVID Disaster	American Rescue Program	General Revenue	General Projects	Total General Fund
\$ 1,470,705	\$ 3,310,875	\$ 500,000	\$ 1,576,095	\$ 16,186,499
-	-	-	-	238,169
-	-	-	-	1,525,629
-	-	-	-	631,452
<u>\$ 1,470,705</u>	<u>\$ 3,310,875</u>	<u>\$ 500,000</u>	<u>\$ 1,576,095</u>	<u>\$ 18,581,749</u>
\$ -	\$ -	\$ -	\$ 35,000	\$ 385,076
-	-	-	-	79,812
-	3,310,792	-	-	3,322,696
<u>-</u>	<u>3,310,792</u>	<u>-</u>	<u>35,000</u>	<u>3,787,584</u>
-	-	-	-	357,054
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>357,054</u>
-	-	-	-	631,452
-	-	500,000	1,541,095	2,041,095
-	-	-	-	306,572
-	-	-	-	759,849
1,470,705	83	-	-	10,698,143
<u>1,470,705</u>	<u>83</u>	<u>500,000</u>	<u>1,541,095</u>	<u>14,437,111</u>
<u>\$ 1,470,705</u>	<u>\$ 3,310,875</u>	<u>\$ 500,000</u>	<u>\$ 1,576,095</u>	<u>\$ 18,581,749</u>

CITY OF ALVIN, TEXAS
CONSOLIDATED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES - GENERAL FUND - SUB-FUNDS
For the Year Ended September 30, 2021

	General Operating	Fire Capital	Tree Preservation	Disaster
<u>Revenues</u>				
Property taxes	\$ 9,894,588	\$ -	\$ -	\$ -
Sales taxes	2,914,186	-	-	-
Franchise fees	1,169,965	-	-	-
Other taxes	538,394	-	-	-
Licenses and permits	1,440,488	-	-	-
Fines and forfeitures	431,936	-	-	-
Charges for services	426,531	125,000	5,500	-
Intergovernmental	266,433	-	-	-
Investment revenue	13,467	115	9	-
Other revenue	139,576	-	-	-
Total Revenues	17,235,564	125,115	5,509	-
<u>Expenditures</u>				
Current:				
General government	4,515,642	-	-	-
Public safety	9,715,297	-	-	-
Public services	1,282,329	-	-	5,566
Community services	83,689	-	-	-
Culture, parks, and recreation	1,990,508	-	350	-
Capital outlay	1,750	33,153	-	-
Debt service				
Principal	-	29,250	-	-
Interest	-	8,508	-	-
Total Expenditures	17,589,215	70,911	350	5,566
Excess (Deficiency) of Revenues Over (Under) Expenditures	(353,651)	54,204	5,159	(5,566)
<u>Other Financing Sources (Uses)</u>				
Transfers in	1,764,966	352,735	-	-
Transfers out	(830,630)	-	-	-
Total Other Financing Sources (Uses)	934,336	352,735	-	-
Net Change in Fund Balances	580,685	406,939	5,159	(5,566)
Beginning fund balances	9,229,374	262,680	133,819	312,138
Ending Fund Balances	\$ 9,810,059	\$ 669,619	\$ 138,978	\$ 306,572

COVID Disaster	American Rescue Program	General Revenue	General Projects	Total General Fund
\$ -	\$ -	\$ -	\$ -	\$ 9,894,588
-	-	-	-	2,914,186
-	-	-	-	1,169,965
-	-	-	-	538,394
-	-	-	-	1,440,488
-	-	-	-	431,936
-	-	-	-	557,031
24,233	-	-	-	290,666
1,723	83	-	345	15,742
-	-	-	-	139,576
<u>25,956</u>	<u>83</u>	<u>-</u>	<u>345</u>	<u>17,392,572</u>
5,327	-	-	92,415	4,613,384
-	-	-	132,973	9,848,270
-	-	-	14,875	1,302,770
-	-	-	17,125	100,814
-	-	-	48,148	2,039,006
-	-	-	442,800	477,703
-	-	-	-	29,250
-	-	-	-	8,508
<u>5,327</u>	<u>-</u>	<u>-</u>	<u>748,336</u>	<u>18,419,705</u>
<u>20,629</u>	<u>83</u>	<u>-</u>	<u>(747,991)</u>	<u>(1,027,133)</u>
-	-	-	1,213,918	3,331,619
-	-	(443,807)	-	(1,274,437)
-	-	(443,807)	1,213,918	2,057,182
20,629	83	(443,807)	465,927	1,030,049
<u>1,450,076</u>	<u>-</u>	<u>943,807</u>	<u>1,075,168</u>	<u>13,407,062</u>
<u>\$ 1,470,705</u>	<u>\$ 83</u>	<u>\$ 500,000</u>	<u>\$ 1,541,095</u>	<u>\$ 14,437,111</u>

CITY OF ALVIN, TEXAS
CONSOLIDATED STATEMENT OF NET POSITION
WATER AND SEWER FUND - SUB-FUNDS (Page 1 of 2)
September 30, 2021

	Utility Debt Obligation	Impact Fees	Utility Operating	Utility Projects
Assets				
Current assets				
Cash and equity in pooled cash and investments	\$ -	\$ -	\$ 7,884,053	\$ 2,075,441
Investments	-	-	629,275	-
Accounts receivable (net of allowance for uncollectibles)	-	-	1,376,808	-
Inventory	-	-	49,319	-
Restricted cash, cash equivalents, and investments:				
Construction and debt obligation	3,457,942	4,698,619	-	-
Customer deposits	-	-	1,356,701	-
Total Current Assets	3,457,942	4,698,619	11,296,156	2,075,441
Capital assets:				
Land	-	-	937,829	-
Buildings	-	-	5,523,533	-
Improvements	-	1,783,726	2,950,542	272,522
Infrastructure	-	-	51,171,806	-
Equipment	-	-	3,902,910	484,074
Construction in progress	-	91,342	49,802	673,858
Less allowance for depreciation	-	-	(41,619,175)	-
Total Capital Assets (Net)	-	1,875,068	22,917,247	1,430,454
Total Noncurrent Assets	-	1,875,068	22,917,247	1,430,454
Total Assets	3,457,942	6,573,687	34,213,403	3,505,895
Deferred Outflows of Resources				
Deferred outflows - pensions	-	-	186,645	-
Deferred outflows - OPEB	-	-	18,404	-
Deferred loss on refunding	-	-	1,007,489	-
Total Deferred Outflows of Resources	-	-	1,212,538	-

2015 Certificates of Obligation	2018 Utility Bond	2019 Utility Bond	2020 Utility Bond	Total Water and Sewer Fund
\$ -	\$ -	\$ -	\$ -	\$ 9,959,494
-	-	-	-	629,275
-	-	-	-	1,376,808
-	-	-	-	49,319
1,022,553	1,463,549	13,063,011	17,756,569	41,462,243
-	-	-	-	1,356,701
<u>1,022,553</u>	<u>1,463,549</u>	<u>13,063,011</u>	<u>17,756,569</u>	<u>54,833,840</u>
-	-	-	-	937,829
-	-	-	-	5,523,533
-	-	-	-	5,006,790
5,619,386	3,509,055	1,111,789	-	61,412,036
155,132	-	-	-	4,542,116
849,251	7,086,333	2,617,799	-	11,368,385
-	-	-	-	(41,619,175)
<u>6,623,769</u>	<u>10,595,388</u>	<u>3,729,588</u>	<u>-</u>	<u>47,171,514</u>
<u>6,623,769</u>	<u>10,595,388</u>	<u>3,729,588</u>	<u>-</u>	<u>47,171,514</u>
<u>7,646,322</u>	<u>12,058,937</u>	<u>16,792,599</u>	<u>17,756,569</u>	<u>102,005,354</u>
-	-	-	-	186,645
-	-	-	-	18,404
-	-	-	-	1,007,489
<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,212,538</u>

CITY OF ALVIN, TEXAS
CONSOLIDATED STATEMENT OF NET POSITION
WATER AND SEWER FUND - SUB-FUNDS (Page 2 of 2)
September 30, 2021

	Utility Debt Obligation	Impact Fees	Utility Operating	Utility Projects
<u>Liabilities and Net Position</u>				
Current Liabilities				
Accounts payable and accrued liabilities	\$ -	\$ 9,360	\$ 119,398	\$ -
Accrued interest payable	327,951	-	-	-
Bonds payable - current	-	-	3,104,040	-
Compensated absences	-	-	58,177	-
Current Liabilities Payable From Restricted Assets				
Customer deposits	-	-	1,356,701	-
Total Current Liabilities	327,951	9,360	4,638,316	-
Noncurrent liabilities				
Bonds payable, net of deferred charges	-	-	20,261,026	-
Compensated absences	-	-	6,464	-
Net pension liability	-	-	868,469	-
Total OPEB liability	-	-	83,424	-
Total Noncurrent Liabilities	-	-	21,219,383	-
Total Liabilities	327,951	9,360	25,857,699	-
Deferred Inflows of Resources				
Deferred inflows - pensions	-	-	151,610	-
Deferred inflows - OPEB	-	-	6,078	-
Total Deferred Inflows of Resources	-	-	157,688	-
Net Position				
Net investment in capital assets	-	1,875,068	559,670	1,430,454
Restricted for debt service	-	-	888,576	-
Unrestricted net position	3,129,991	4,689,259	7,962,308	2,075,441
Total Net Position	\$ 3,129,991	\$ 6,564,327	\$ 9,410,554	\$ 3,505,895

2015 Certificates of Obligation	2018 Utility Bond	2019 Utility Bond	2020 Utility Bond	Total Water and Sewer Fund
\$ 7,631	\$ 781,360	\$ 1,868,239	\$ -	\$ 2,785,988
-	-	-	-	327,951
-	-	765,000	-	3,869,040
-	-	-	-	58,177
-	-	-	-	1,356,701
7,631	781,360	2,633,239	-	8,397,857
-	-	14,159,360	17,241,879	51,662,265
-	-	-	-	6,464
-	-	-	-	868,469
-	-	-	-	83,424
-	-	14,159,360	17,241,879	52,620,622
7,631	781,360	16,792,599	17,241,879	61,018,479
-	-	-	-	151,610
-	-	-	-	6,078
-	-	-	-	157,688
7,638,691	11,277,577	-	514,690	23,296,150
-	-	-	-	888,576
-	-	-	-	17,856,999
<u>\$ 7,638,691</u>	<u>\$ 11,277,577</u>	<u>\$ -</u>	<u>\$ 514,690</u>	<u>\$ 42,041,725</u>

CITY OF ALVIN, TEXAS

CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION - WATER AND SEWER FUND - SUB-FUNDS

For the Year Ended September 30, 2021

	Utility Debt Obligation	Impact Fees	Utility Operating	Utility Projects
<u>Operating Revenues</u>				
Water services	\$ -	\$ -	\$ 5,685,319	\$ -
Sewer services	-	-	6,153,615	-
Other revenues	-	1,506,460	23,037	-
Total Operating Revenues	-	1,506,460	11,861,971	-
<u>Operating Expenses</u>				
Water services	-	-	1,528,201	-
Sewer services	-	-	2,333,293	-
Depreciation	-	-	2,022,211	-
Total Operating Expenses	-	-	5,883,705	-
Operating Income	-	1,506,460	5,978,266	-
<u>Nonoperating Revenues (Expenses)</u>				
Intergovernmental	-	-	-	77,877
Investment revenues	1,561	1,458	44,331	288
Interest and fiscal agent fees	(1,583,335)	-	-	-
Total Nonoperating Revenues (Expenses)	(1,581,774)	1,458	44,331	78,165
Income (Loss) Before Transfers and Capital Contributions	(1,581,774)	1,507,918	6,022,597	78,165
<u>Transfers and Capital Contributions</u>				
Capital contributions	-	-	1,268,297	-
Transfers in	1,892,122	-	339,245	1,584,345
Transfers (out)	-	-	(6,598,371)	-
Total Transfers and Contributions	1,892,122	-	(4,990,829)	1,584,345
Change in Net Position	310,348	1,507,918	1,031,768	1,662,510
Beginning net position	2,819,643	5,056,409	8,378,786	1,843,385
Ending Net Position	<u>\$ 3,129,991</u>	<u>\$ 6,564,327</u>	<u>\$ 9,410,554</u>	<u>\$ 3,505,895</u>

2015 Certificates of Obligation	2018 Utility Bond	2019 Utility Bond	2020 Utility Bond	Total Water and Sewer Fund
\$ -	\$ -	\$ -	\$ -	\$ 5,685,319
-	-	-	-	6,153,615
-	-	-	-	1,529,497
-	-	-	-	13,368,431
-	-	-	-	1,528,201
-	-	-	-	2,333,293
-	-	-	-	2,022,211
-	-	-	-	5,883,705
-	-	-	-	7,484,726
-	-	-	-	77,877
534	771	5,737	13,754	68,434
-	-	-	(452,321)	(2,035,656)
534	771	5,737	(438,567)	(1,889,345)
534	771	5,737	(438,567)	5,595,381
-	-	-	-	1,268,297
-	1,704,272	-	953,257	6,473,241
(2,150)	-	(705,907)	-	(7,306,428)
(2,150)	1,704,272	(705,907)	953,257	435,110
(1,616)	1,705,043	(700,170)	514,690	6,030,491
7,640,307	9,572,534	700,170	-	36,011,234
<u>\$ 7,638,691</u>	<u>\$ 11,277,577</u>	<u>\$ -</u>	<u>\$ 514,690</u>	<u>\$ 42,041,725</u>

CITY OF ALVIN, TEXAS
CONSOLIDATED STATEMENT OF CASH FLOWS
WATER AND SEWER FUND - SUB-FUNDS (Page 1 of 2)
For the Year Ended September 30, 2021

	Utility Debt Obligation	Impact Fees	Utility Operating	Utility Projects
<u>Cash Flows from Operating Activities</u>				
Receipts from customers and users	\$ -	\$ 1,522,010	\$ 12,171,493	\$ -
Payments/credits to/from suppliers	-	9,360	(1,753,121)	-
Payments to employees	-	-	(2,250,402)	-
Net Cash Provided (Used) by Operating Activities	-	1,531,370	8,167,970	-
<u>Cash Flows from Noncapital Financing Activities</u>				
Transfers from other funds	1,892,122	-	339,245	1,584,345
Transfer to other funds	-	-	(6,598,371)	-
Subsidy from federal grant	-	-	-	77,877
Net Cash Provided (Used) by Noncapital Financing Activities	1,892,122	-	(6,259,126)	1,662,222
<u>Cash Flows from Capital and Related Financing Activities</u>				
Acquisition and construction of capital assets	-	(91,342)	(118,734)	(842,764)
Proceeds from issuance of bonds	-	-	-	-
Interest and fiscal agent fees paid	(1,583,335)	-	(51,077)	-
Principal paid on capital debt	-	-	(1,271,357)	-
Net Cash (Used) by Capital and Related Financing Activities	(1,583,335)	(91,342)	(1,441,168)	(842,764)
<u>Cash Flows from Investing Activities</u>				
Purchase of investments	-	-	(131,745)	-
Interest on investments	1,561	1,458	44,331	288
Net Cash Provided (Used) by Investing Activities	1,561	1,458	(87,414)	288
Net Increase (Decrease) in Cash and Equity in Pooled Cash and Investments	310,348	1,441,486	380,262	819,746
Beginning cash and equity in pooled cash and investments	3,147,594	3,257,133	8,860,492	1,255,695
Ending Cash and Equity in Pooled Cash and Investments	<u>\$ 3,457,942</u>	<u>\$ 4,698,619</u>	<u>\$ 9,240,754</u>	<u>\$ 2,075,441</u>
Ending Cash and Equity in Pooled Cash and Investments:				
Unrestricted cash and equity in pooled cash and investments	\$ -	\$ -	\$ 7,884,053	\$ 2,075,441
Restricted cash and equity in pooled cash and investments	3,457,942	4,698,619	1,356,701	-
	<u>\$ 3,457,942</u>	<u>\$ 4,698,619</u>	<u>\$ 9,240,754</u>	<u>\$ 2,075,441</u>

2015 Certificates of Obligation	2018 Utility Bond	2019 Utility Bond	2020 Utility Bond	Total Water and Sewer Fund
\$ -	\$ -	\$ -	\$ -	\$ 13,693,503
(30,525)	475,868	1,866,751	-	568,333
-	-	-	-	(2,250,402)
(30,525)	475,868	1,866,751	-	12,011,434
-	1,704,272	-	953,257	6,473,241
(2,150)	-	(705,907)	-	(7,306,428)
-	-	-	-	77,877
(2,150)	1,704,272	(705,907)	953,257	(755,310)
(429,621)	(2,922,487)	(2,617,799)	-	(7,022,747)
-	-	-	18,195,136	18,195,136
-	-	(67,187)	(452,321)	(2,153,920)
-	-	(765,000)	(953,257)	(2,989,614)
(429,621)	(2,922,487)	(3,449,986)	16,789,558	6,028,855
-	-	-	-	(131,745)
534	771	5,737	13,754	68,434
534	771	5,737	13,754	(63,311)
(461,762)	(741,576)	(2,283,405)	17,756,569	17,221,668
1,484,315	2,205,125	15,346,416	-	35,556,770
<u>\$ 1,022,553</u>	<u>\$ 1,463,549</u>	<u>\$ 13,063,011</u>	<u>\$ 17,756,569</u>	<u>\$ 52,778,438</u>
\$ -	\$ -	\$ -	\$ -	\$ 9,959,494
1,022,553	1,463,549	13,063,011	17,756,569	42,818,944
<u>\$ 1,022,553</u>	<u>\$ 1,463,549</u>	<u>\$ 13,063,011</u>	<u>\$ 17,756,569</u>	<u>\$ 52,778,438</u>

CITY OF ALVIN, TEXAS
CONSOLIDATED STATEMENT OF CASH FLOWS
WATER AND SEWER FUND - SUB-FUNDS (Page 2 of 2)
For the Year Ended September 30, 2021

	<u>Utility Debt Obligation</u>	<u>Impact Fees</u>	<u>Utility Operating</u>	<u>Utility Projects</u>
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities				
Operating income (loss)	\$ -	\$ 1,506,460	\$ 5,978,266	\$ -
Adjustments to reconcile operating income to net cash provided (used) by operating activities:				
Depreciation	-	-	2,022,211	-
Changes in Operating Assets and Liabilities:				
(Increase) Decrease in Current Assets:				
Accounts receivable	-	15,550	234,803	-
Deferred outflows of resources	-	-	(10,354)	-
Inventories	-	-	27,276	-
Increase (Decrease) in Current Liabilities:				
Accounts payable	-	9,360	(63,981)	-
Deferred inflows of resources	-	-	(29,448)	-
Compensated absences	-	-	(2,089)	-
Customer deposits	-	-	74,719	-
Net pension liability	-	-	(78,161)	-
Total OPEB liability	-	-	14,728	-
Net Cash Provided (Used) by Operating Activities	<u><u>\$ -</u></u>	<u><u>\$ 1,531,370</u></u>	<u><u>\$ 8,167,970</u></u>	<u><u>\$ -</u></u>

2015 Certificates of Obligation	2018 Utility Bond	2019 Utility Bond	2020 Utility Bond	Total Water and Sewer Fund
\$ -	\$ -	\$ -	\$ -	\$ 7,484,726
-	-	-	-	2,022,211
-	-	-	-	250,353
-	-	-	-	(10,354)
-	-	-	-	27,276
(30,525)	475,868	1,866,751	-	2,257,473
-	-	-	-	(29,448)
-	-	-	-	(2,089)
-	-	-	-	74,719
-	-	-	-	(78,161)
-	-	-	-	14,728
<u>\$ (30,525)</u>	<u>\$ 475,868</u>	<u>\$ 1,866,751</u>	<u>\$ -</u>	<u>\$ 12,011,434</u>

STATISTICAL SECTION

This part of the City's Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and Required Supplementary Information says about the government's overall financial health.

Contents	Page
Financial Trends	150
<i>These schedules contain trend information to help the reader understand how the government's financial performance and well-being have changed over time.</i>	
Revenue Capacity	162
<i>These schedules contain information to help the reader assess the government's most significant local revenue source, property tax.</i>	
Debt Capacity	170
<i>These schedules present information to help the reader assess the affordability of the government's current levels of outstanding debt and the government's ability to issue additional debt in the future.</i>	
Demographic and Economic Information	180
<i>These schedules offer demographic and economic indicators to help the reader understand the environment within which the government's financial activities take place.</i>	
Operating Information	183
<i>These schedules contain service and infrastructure data to help the reader understand how the information in the government's financial report relates to the services the government provides and the activities it performs.</i>	

Sources: Unless otherwise noted, the information in these schedules is derived from the Annual Comprehensive Financial Reports from the relevant year.

CITY OF ALVIN, TEXAS

NET POSITION BY COMPONENT

Last Ten Years

(Accrual Basis of Accounting)

	Fiscal Year			
	2012	2013	2014	2015
Governmental Activities				
Net investment in capital assets	\$ 24,498,035	\$ 25,768,481	\$ 27,186,272	\$ 27,992,273
Restricted	9,400,498	9,229,378	7,224,941	8,024,520
Unrestricted	4,114,881	3,613,304	672,503	1,940,356
Total Governmental Activities Net Position	\$ 38,013,414	\$ 38,611,163	\$ 35,083,716	\$ 37,957,149
Business-Type Activities				
Net investment in capital assets	\$ 12,637,625	\$ 13,035,321	\$ 13,841,547	\$ 16,159,516
Restricted	677,203	423,744	-	-
Unrestricted	7,553,375	9,815,794	10,073,092	11,827,277
Total Business-Type Activities Net Position	\$ 20,868,203	\$ 23,274,859	\$ 23,914,639	\$ 27,986,793
Primary Government				
Net investment in capital assets	\$ 37,135,660	\$ 38,803,802	\$ 41,027,819	\$ 44,151,789
Restricted	10,077,701	9,653,122	7,224,941	8,024,520
Unrestricted	11,668,256	13,429,098	10,745,595	13,767,633
Total Primary Government Net Position	\$ 58,881,617	\$ 61,886,022	\$ 58,998,355	\$ 65,943,942

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 29,288,263	\$ 30,704,120	\$ 31,660,047	\$ 34,920,134	\$ 37,105,901	\$ 37,583,442
8,481,991	8,596,595	9,237,862	9,624,675	12,481,511	13,911,292
2,835,216	2,735,937	5,409,169	9,118,917	11,073,002	12,875,902
<u>\$ 40,605,470</u>	<u>\$ 42,036,652</u>	<u>\$ 46,307,078</u>	<u>\$ 53,663,726</u>	<u>\$ 60,660,414</u>	<u>\$ 64,370,636</u>
\$ 14,905,721	\$ 17,688,740	\$ 20,418,893	\$ 18,635,882	\$ 20,040,310	\$ 23,865,249
-	-	-	-	893,313	888,576
12,814,287	12,632,348	11,710,207	16,320,642	18,362,190	20,437,112
<u>\$ 27,720,008</u>	<u>\$ 30,321,088</u>	<u>\$ 32,129,100</u>	<u>\$ 34,956,524</u>	<u>\$ 39,295,813</u>	<u>\$ 45,190,937</u>
\$ 44,193,984	\$ 48,392,860	\$ 52,078,940	\$ 53,556,016	\$ 57,146,211	\$ 61,448,691
8,481,991	8,596,595	9,237,862	9,624,675	13,374,824	14,799,868
15,649,503	15,368,285	17,119,376	25,439,559	29,435,192	33,313,014
<u>\$ 68,325,478</u>	<u>\$ 72,357,740</u>	<u>\$ 78,436,178</u>	<u>\$ 88,620,250</u>	<u>\$ 99,956,227</u>	<u>\$ 109,561,573</u>

CITY OF ALVIN, TEXAS

CHANGES IN NET POSITION

Last Ten Years

(Accrual Basis of Accounting)

	Fiscal Year			
	2012	2013	2014	2015
Expenses				
Governmental Activities				
General government	\$ 3,856,490	\$ 3,568,941	\$ 4,302,665	\$ 4,631,429
Public safety	7,183,101	7,605,752	7,371,478	7,851,334
Public services	1,558,656	1,602,661	1,357,311	1,787,338
Community services	2,237,711	2,937,559	3,109,731	2,648,239
Culture, parks, and recreation	1,345,650	1,526,973	1,554,800	1,678,632
Interest on long-term debt	307,110	357,208	317,321	275,210
Total Governmental Activities Expenses	<u>16,488,718</u>	<u>17,599,094</u>	<u>18,013,306</u>	<u>18,872,182</u>
Business-Type Activities				
Water and sewer	5,149,638	5,409,975	5,386,508	6,939,946
Sanitation	2,044,570	2,121,232	2,150,276	2,254,148
Emergency medical services	1,761,534	1,883,560	1,656,281	1,825,973
Total Business-Type Activities Expenses	<u>8,955,742</u>	<u>9,414,767</u>	<u>9,193,065</u>	<u>11,020,067</u>
Total Primary Government Expenses	<u>\$ 25,444,460</u>	<u>\$ 27,013,861</u>	<u>\$ 27,206,371</u>	<u>\$ 29,892,249</u>
Program Revenues				
Governmental Activities				
Charges for services				
General government	\$ 256,623	\$ 280,518	\$ 234,378	\$ 345,672
Public safety	1,064,705	1,115,717	1,281,187	1,458,175
Operating grants and contributions	261,048	482,603	125,138	247,358
Capital grants and contributions	-	-	1,785,962	2,056,883
Total Governmental Activities				
Program Revenues	<u>1,582,376</u>	<u>1,878,838</u>	<u>3,426,665</u>	<u>4,108,088</u>
Business-Type Activities				
Charges for services				
Water and sewer	6,529,061	6,996,639	7,112,516	7,600,692
Sanitation	2,305,500	2,481,820	2,548,700	2,694,269
Emergency medical services	1,671,346	2,607,911	1,349,485	1,831,754
Operating grants and contributions	231,858	254,710	230,308	294,123
Capital grants and contributions	-	-	-	2,373,890
Total Business-Type Activities				
Program Revenues	<u>10,737,765</u>	<u>12,341,080</u>	<u>11,241,009</u>	<u>14,794,728</u>
Total Primary Government Program Revenues	<u>\$ 12,320,141</u>	<u>\$ 14,219,918</u>	<u>\$ 14,667,674</u>	<u>\$ 18,902,816</u>
Net Revenue/(Expense)				
Governmental activities	\$ (14,906,342)	\$ (15,720,256)	\$ (14,586,641)	\$ (14,764,094)
Business-type activities	1,782,023	2,926,313	2,047,944	3,774,661
Total Primary Government Net (Expense)	<u>\$ (13,124,319)</u>	<u>\$ (12,793,943)</u>	<u>\$ (12,538,697)</u>	<u>\$ (10,989,433)</u>

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 4,203,196	\$ 4,450,488	\$ 4,517,071	\$ 4,438,343	\$ 4,977,305	\$ 4,931,118
8,358,096	9,096,696	8,634,931	9,185,813	9,561,365	9,938,797
2,052,720	2,074,464	2,356,952	1,942,875	2,172,411	2,405,583
2,600,013	2,860,277	2,747,378	2,512,907	2,335,533	2,776,722
1,930,324	2,043,543	1,987,194	2,089,747	2,045,279	2,350,526
244,938	227,696	175,913	569,961	780,269	675,680
19,389,287	20,753,164	20,419,439	20,739,646	21,872,162	23,078,426
7,705,970	6,207,201	6,540,982	7,164,565	7,052,003	7,919,361
2,298,255	2,316,125	2,347,415	2,484,910	2,362,710	2,649,550
1,957,281	2,233,013	2,170,736	2,205,977	2,262,389	2,364,251
11,961,506	10,756,339	11,059,133	11,855,452	11,677,102	12,933,162
\$ 31,350,793	\$ 31,509,503	\$ 31,478,572	\$ 32,595,098	\$ 33,549,264	\$ 36,011,588
\$ 410,434	\$ 394,032	\$ 463,830	\$ 473,199	\$ 592,750	\$ 699,908
1,261,982	1,435,593	1,729,730	1,687,896	1,660,275	1,893,602
126,345	125,844	118,044	125,105	2,086,482	359,526
154,161	36,179	66,850	2,000,848	697,971	-
1,952,922	1,991,648	2,378,454	4,287,048	5,037,478	2,953,036
7,643,861	7,982,239	8,458,463	10,553,901	11,910,330	13,368,431
2,781,959	2,816,845	2,566,662	2,657,125	2,596,430	2,600,911
1,755,851	1,922,169	1,750,089	1,571,819	1,864,387	2,199,885
370,640	341,550	379,079	423,630	429,354	575,606
-	1,448,210	484,131	1,190,795	-	-
12,552,311	14,511,013	13,638,424	16,397,270	16,800,501	18,744,833
\$ 14,505,233	\$ 16,502,661	\$ 16,016,878	\$ 20,684,318	\$ 21,837,979	\$ 21,697,869
\$ (17,436,365)	\$ (18,761,516)	\$ (18,040,985)	\$ (16,452,598)	\$ (16,834,684)	\$ (20,125,390)
590,805	3,754,674	2,579,291	4,541,818	5,123,399	5,811,671
\$ (16,845,560)	\$ (15,006,842)	\$ (15,461,694)	\$ (11,910,780)	\$ (11,711,285)	\$ (14,313,719)

CITY OF ALVIN, TEXAS
CHANGES IN NET POSITION (Continued)
Last Ten Years
(Accrual Basis of Accounting)

		Fiscal Year			
		2012	2013	2014	2015
General Revenues and Other Changes in Net Position					
Governmental Activities					
Taxes					
Property taxes	\$	7,724,036	\$ 7,703,857	\$ 8,187,335	\$ 8,480,190
Sales and use taxes		5,720,505	6,039,358	6,188,081	6,457,416
Franchise fees		1,607,488	1,608,142	1,701,814	1,783,552
Other taxes		191,970	219,973	667,914	986,245
Investment revenue		31,176	34,018	41,979	30,686
Gain on sale of capital assets		-	-	-	-
Other revenues		204,763	174,102	20,650	160,734
Transfers		501,190	538,555	(10,030)	(261,296)
Total Governmental Activities		<u>15,981,128</u>	<u>16,318,005</u>	<u>16,797,743</u>	<u>17,637,527</u>
Business-Type Activities					
Investment earnings		13,322	15,904	15,163	23,756
Other revenues		2,726	2,994	15,000	12,441
Transfers		(501,190)	(538,555)	10,030	261,296
Total Business-Type Activities		<u>(485,142)</u>	<u>(519,657)</u>	<u>40,193</u>	<u>297,493</u>
Total Primary Government	\$	<u><u>15,495,986</u></u>	<u><u>15,798,348</u></u>	<u><u>16,837,936</u></u>	<u><u>17,935,020</u></u>
Change in Net Position					
Governmental activities	\$	1,074,786	\$ 597,749	\$ 2,211,102	\$ 2,873,433
Business-type activities		1,296,881	2,406,656	2,088,137	4,072,154
Total Primary Government	\$	<u><u>2,371,667</u></u>	<u><u>3,004,405</u></u>	<u><u>4,299,239</u></u>	<u><u>6,945,587</u></u>

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 9,274,853	\$ 9,788,862	\$ 10,443,831	\$ 10,939,630	\$ 11,487,085	\$ 12,523,798
6,600,913	6,963,319	7,763,196	7,824,154	8,610,813	8,762,693
1,775,920	1,756,078	1,810,062	1,713,207	1,517,080	1,217,243
728,939	414,177	495,694	532,220	611,147	844,878
68,237	142,666	370,313	485,836	299,769	54,616
-	-	-	528,873	-	-
140,375	261,341	266,574	126,137	144,818	444,571
930,423	1,252,870	1,161,741	1,659,189	1,160,660	(12,187)
<u>19,519,660</u>	<u>20,579,313</u>	<u>22,311,411</u>	<u>23,809,246</u>	<u>23,831,372</u>	<u>23,835,612</u>
72,833	173,524	390,462	691,921	364,373	71,266
-	19,056	-	102,434	12,177	-
<u>(930,423)</u>	<u>(1,252,870)</u>	<u>(1,161,741)</u>	<u>(1,659,189)</u>	<u>(1,160,660)</u>	<u>12,187</u>
<u>(857,590)</u>	<u>(1,060,290)</u>	<u>(771,279)</u>	<u>(864,834)</u>	<u>(784,110)</u>	<u>83,453</u>
<u>\$ 18,662,070</u>	<u>\$ 19,519,023</u>	<u>\$ 21,540,132</u>	<u>\$ 22,944,412</u>	<u>\$ 23,047,262</u>	<u>\$ 23,919,065</u>
\$ 2,083,295	\$ 1,817,797	\$ 4,270,426	\$ 7,356,648	\$ 6,996,688	\$ 3,710,222
(266,785)	2,694,384	1,808,012	3,676,984	4,339,289	5,895,124
<u>\$ 1,816,510</u>	<u>\$ 4,512,181</u>	<u>\$ 6,078,438</u>	<u>\$ 11,033,632</u>	<u>\$ 11,335,977</u>	<u>\$ 9,605,346</u>

CITY OF ALVIN, TEXAS
TAX REVENUES BY SOURCE, GOVERNMENTAL ACTIVITIES
Last Ten Years
(Accrual Basis of Accounting)

Source	Fiscal Year			
	2012	2013	2014	2015
Property taxes	\$ 7,724,036	\$ 7,703,857	\$ 8,187,335	\$ 8,480,190
Sales and use taxes	5,720,505	6,039,358	6,188,081	6,457,416
Franchise fees	1,607,488	1,608,142	1,701,814	1,783,552
Other taxes	191,970	219,973	667,914	986,245
	<u>\$ 15,243,999</u>	<u>\$ 15,571,330</u>	<u>\$ 16,745,144</u>	<u>\$ 17,707,403</u>

Fiscal Year						Change
2016	2017	2018	2019	2020	2021	2020-2021
\$ 9,274,853	\$ 9,788,862	\$ 10,443,831	\$ 10,939,630	\$ 11,487,085	\$ 12,523,798	9.0%
6,600,913	6,963,319	7,763,196	7,824,154	8,610,813	8,762,693	1.8%
1,775,920	1,756,078	1,810,062	1,713,207	1,517,080	1,217,243	-19.8%
728,939	414,177	495,694	532,220	611,147	844,878	38.2%
<u>\$ 18,380,625</u>	<u>\$ 18,922,436</u>	<u>\$ 20,512,783</u>	<u>\$ 21,009,211</u>	<u>\$ 22,226,125</u>	<u>\$ 23,348,612</u>	5.1%

CITY OF ALVIN, TEXAS
FUND BALANCES, GOVERNMENTAL FUNDS
Last Ten Years
(Modified Accrual Basis of Accounting)

		Fiscal Year			
		2012	2013	2014	2015
General Fund					
Nonspendable	\$	39,347	\$ 21,523	\$ 16,823	\$ 47,391
Assigned		911,311	693,859	527,330	723,039
Unassigned		4,658,915	4,816,116	4,938,106	5,272,494
Total General Fund	\$	5,609,573	5,531,498	5,482,259	6,042,924
All Other Governmental Funds					
Nonspendable	\$	50,000	\$ 50,000	\$ 50,250	\$ 50,000
Restricted		9,350,498	9,179,378	7,174,691	7,974,520
Assigned		714,349	667,680	609,208	616,768
Total All Other Governmental Funds	\$	10,114,847	9,897,058	7,834,149	8,641,288

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 22,903	\$ 50,637	\$ 19,137	\$ 62,092	\$ 125,315	\$ 631,452
731,341	1,236,382	1,721,986	3,965,114	2,986,233	3,107,516
5,855,255	5,663,727	6,664,391	7,876,500	10,295,514	10,698,143
<u>\$ 6,609,499</u>	<u>\$ 6,950,746</u>	<u>\$ 8,405,514</u>	<u>\$ 11,903,706</u>	<u>\$ 13,407,062</u>	<u>\$ 14,437,111</u>
\$ 50,000	\$ 50,000	\$ 50,625	\$ 50,000	\$ 50,000	\$ 55,012
8,433,597	8,551,070	9,201,590	24,496,659	25,724,137	19,945,542
284,256	458,160	594,842	638,117	687,215	663,953
<u>\$ 8,767,853</u>	<u>\$ 9,059,230</u>	<u>\$ 9,847,057</u>	<u>\$ 25,184,776</u>	<u>\$ 26,461,352</u>	<u>\$ 20,664,507</u>

CITY OF ALVIN, TEXAS
CHANGES IN FUND BALANCES, GOVERNMENTAL FUNDS
Last Ten Years
(Modified Accrual Basis of Accounting)

	Fiscal Year			
	2012	2013	2014	2015
Revenues				
Taxes	\$ 15,250,115	\$ 15,688,295	\$ 16,730,919	\$ 17,720,056
Permits, licenses, and fees	632,240	692,937	757,846	935,003
Fines and forfeitures	432,465	422,780	523,341	523,172
Intergovernmental	257,797	482,603	1,138,100	1,640,576
Investment earnings	29,331	32,070	19,131	28,679
Other revenues	421,106	428,861	264,820	457,991
Total Revenues	17,023,054	17,747,546	19,434,157	21,305,477
Expenditures				
General government	3,657,108	3,614,875	3,758,455	4,009,902
Public safety	6,649,457	7,173,699	7,379,988	7,615,492
Public services	957,761	764,420	733,558	880,375
Community services	2,202,737	2,871,927	3,264,534	2,583,511
Culture, parks, and recreation	1,201,941	1,308,817	1,352,134	1,432,949
Capital outlay	2,185,599	3,299,578	4,351,864	2,784,274
Debt service:				
Principal	1,159,881	1,205,572	1,314,318	1,228,378
Interest and fees	472,802	351,120	304,535	285,047
Total Expenditures	18,487,286	20,590,008	22,459,386	20,819,928
Excess (Deficiency) of				
Revenues Over (Under) Expenditures	(1,464,232)	(2,842,462)	(3,025,229)	485,549
Other Financing Sources (Uses)				
Transfers in	1,064,794	1,574,897	2,207,172	1,556,512
Transfers out	(563,604)	(713,299)	(1,349,085)	(674,507)
Refunding bonds issued	1,597,055	-	-	-
Bonds issued	-	1,235,000	-	-
Premium on bonds issued	5,112	-	-	-
Payments to refunding bond escrow agent	(1,593,033)	-	-	-
Capital leases	-	450,000	55,244	-
Proceeds from sales of capital assets	-	-	-	-
Total Other Financing Sources	510,324	2,546,598	913,331	882,005
Net Change in Fund Balances	\$ (953,908)	\$ (295,864)	\$ (2,111,898)	\$ 1,367,554
 Debt service as a percentage of noncapital expenditures				
	9.94%	8.73%	8.73%	7.53%

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 18,354,717	\$ 18,930,597	\$ 20,516,342	\$ 20,975,270	\$ 22,170,969	\$ 23,406,755
744,948	811,167	995,745	1,042,997	1,223,906	1,440,488
517,034	624,426	733,985	644,899	436,369	453,114
247,022	125,844	151,301	91,396	2,039,124	315,065
62,212	122,856	329,629	443,790	282,239	52,370
547,081	597,914	816,867	619,896	738,253	987,161
20,473,014	21,212,804	23,543,869	23,818,248	26,890,860	26,654,953
4,134,595	4,251,415	4,554,239	4,351,190	5,033,348	4,829,756
7,649,190	8,358,253	8,612,909	9,485,899	9,181,734	9,947,576
912,306	1,081,261	1,383,418	1,132,490	1,157,616	1,302,770
2,604,623	2,901,102	2,817,078	2,870,747	2,729,198	2,772,705
1,665,011	1,785,351	1,746,422	1,980,856	1,968,078	2,054,001
2,321,645	2,384,306	2,448,603	2,801,935	9,358,182	9,647,225
1,168,244	717,122	770,994	754,729	709,944	1,334,891
254,683	232,438	228,516	474,751	805,971	788,935
20,710,297	21,711,248	22,562,179	23,852,597	30,944,071	32,677,859
(237,283)	(498,444)	981,690	(34,349)	(4,053,211)	(6,022,906)
1,650,070	2,040,610	1,983,196	4,080,454	3,394,305	3,936,478
(719,647)	(783,422)	(821,455)	(2,421,265)	(2,233,645)	(2,680,368)
-	-	3,024,040	-	-	-
-	-	-	14,880,000	5,230,000	-
-	-	223,867	1,443,355	442,483	-
-	-	(3,148,118)	-	-	-
-	-	-	-	-	-
-	-	-	887,091	-	-
930,423	1,257,188	1,261,530	18,869,635	6,833,143	1,256,110
\$ 693,140	\$ 758,744	\$ 2,243,220	\$ 18,835,286	\$ 2,779,932	\$ (4,766,796)
7.59%	4.85%	5.01%	6.31%	6.48%	9.18%

CITY OF ALVIN, TEXAS
ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY
Last Ten Years

	Fiscal Year			
	2012	2013	2014	2015
Residential Property	\$ 554,570,924	\$ 556,130,424	\$ 565,488,275	\$ 604,400,846
Commercial Property	412,237,877	413,559,139	473,377,668	482,650,142
Less: Tax Exempt Property	<u>(59,267,694)</u>	<u>(52,505,543)</u>	<u>(79,512,520)</u>	<u>(81,017,773)</u>
Total Taxable Assessed Value (1)	<u>\$ 907,541,107</u>	<u>\$ 917,184,020</u>	<u>\$ 959,353,423</u>	<u>\$ 1,006,033,215</u>
Taxable Assessed Value as a Percentage of Estimated Actual Value	100.00%	100.00%	100.00%	100.00%
Estimated Actual Taxable Value	\$ 907,541,107	\$ 917,184,020	\$ 959,353,423	\$ 1,006,033,215
Total Direct Tax Rate	\$ 0.8436	\$ 0.8438	\$ 0.8436	\$ 0.8386

Source: Tax department and Inspection records of the City.

(1) Property is assessed at actual value, therefore, the assessed values are equal to actual value.
Tax rates are per \$100 of assessed value.

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 623,106,325	\$ 708,786,851	\$ 777,192,199	\$ 842,896,306	\$ 923,635,025	\$ 945,110,219
513,177,049	549,510,287	618,411,462	598,137,646	627,358,390	635,798,549
(48,422,110)	(29,955,257)	(108,164,228)	(47,597,860)	(74,829,763)	35,450,177
<u>\$ 1,087,861,264</u>	<u>\$ 1,228,341,881</u>	<u>\$ 1,287,439,433</u>	<u>\$ 1,393,436,092</u>	<u>\$ 1,476,163,652</u>	<u>\$ 1,616,358,945</u>
100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
\$ 1,087,861,264	\$ 1,228,341,881	\$ 1,287,439,433	\$ 1,393,436,092	\$ 1,476,163,652	\$ 1,616,358,945
\$ 0.8386	\$ 0.7980	\$ 0.7880	\$ 0.7880	\$ 0.7780	\$ 0.7680

CITY OF ALVIN, TEXAS
PROPERTY TAX RATES - DIRECT AND OVERLAPPING GOVERNMENTS
Last Ten Years

		Fiscal Year			
		2012	2013	2014	2015
City By Fund:					
Operating		\$ 0.71370	\$ 0.70230	\$ 0.68230	\$ 0.69389
Debt service		0.12990	0.14150	0.16130	0.14472
Total Direct Rates		<u>0.84360</u>	<u>0.84380</u>	<u>0.84360</u>	<u>0.83860</u>
Alvin Independent School District		1.32910	1.32910	1.32910	1.41700
Brazoria County		0.42590	0.43202	0.49202	0.49850
Conservation and Reclamation District No. 3		0.15000	0.15600	0.15600	0.15000
Alvin Community College		<u>0.19980</u>	<u>0.19900</u>	<u>0.19980</u>	<u>0.20400</u>
Total Direct and Overlapping Rates (1)		<u>\$ 2.94840</u>	<u>\$ 2.95992</u>	<u>\$ 3.02052</u>	<u>\$ 3.10810</u>

Tax rates per \$100 of assessed valuation
Source: Brazoria County Appraisal District

(1) Overlapping rates are those of local and county governments that apply within the City of Alvin.

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 0.71190	\$ 0.72360	\$ 0.71910	\$ 0.72430	\$ 0.68562	\$ 0.63543
0.12670	0.07440	0.06890	0.06370	0.09238	0.13257
0.83860	0.79800	0.78800	0.78800	0.77800	0.76800
1.41700	1.45000	1.45000	1.45000	1.39770	1.39770
0.48600	0.45741	0.44023	0.42791	0.41523	0.39202
0.15000	0.15000	0.15000	0.15000	0.15000	0.14590
0.20400	0.19174	0.18080	0.18780	0.18590	0.18340
\$ 3.09560	\$ 3.04715	\$ 3.00903	\$ 3.00371	\$ 2.92683	\$ 2.88702

CITY OF ALVIN, TEXAS
PRINCIPAL PROPERTY TAXPAYERS
Current Year and Nine Years Ago

Property Taxpayer	2021			2012		
	Taxable Assessed Value	Rank	% of Taxable Assessed Value	Taxable Assessed Value	Rank	% of Taxable Assessed Value
Team Industrial Services, Inc.	\$ 32,766,300	1	2.03%	\$ 7,209,517	5	0.79%
Texas New Mexico Power Co.	17,259,480	2	1.07%	7,198,420	6	0.79%
Weatherford US, LP	13,186,260	3	0.82%	14,762,040	2	1.63%
Highland Square Apartments	10,989,110	4	0.68%	-	-	0.00%
1800 FM1092 LLP	9,000,930	5	0.56%	7,573,800	4	0.83%
WalMart Real Estate Business Trust	8,573,440	6	0.53%	-	-	-
WalMart Stores Texas LLC	8,452,610	7	0.52%	-	-	-
Meldi Hospitality Management, LLC	8,000,000	8	0.49%	-	-	-
Axens North America	7,834,450	9	0.48%	17,862,240	1	1.97%
Ron Carter Ford	7,673,770	10	0.47%	-	-	-
ComCast of Houston	-	-	-	10,780,605	3	1.19%
Home Depot	-	-	-	6,968,350	7	0.77%
Festival Properties	-	-	-	6,629,000	8	0.73%
Alvin Autoland	-	-	-	6,170,970	9	0.68%
Gas Turbine Engines	-	-	-	5,951,460	10	0.66%
Subtotal	<u>123,736,350</u>		<u>7.66%</u>	<u>91,106,402</u>		<u>10.04%</u>
Other Taxpayers	<u>1,492,622,595</u>		<u>92.34%</u>	<u>816,434,705</u>		<u>89.96%</u>
Total	<u><u>\$ 1,616,358,945</u></u>		<u><u>100.00%</u></u>	<u><u>\$ 907,541,107</u></u>		<u><u>100.00%</u></u>

Source: Brazoria County - Tax Office Collections

CITY OF ALVIN, TEXAS
PROPERTY TAX LEVIES AND COLLECTIONS
Last Ten Years

	Fiscal Year			
	2012	2013	2014	2015
Tax levy	\$ 7,623,469	\$ 7,675,618	\$ 8,051,610	\$ 8,394,543
Current tax collected	\$ 7,489,804	\$ 7,566,448	\$ 7,945,225	\$ 8,300,703
Percentage of current tax collections	98.25%	98.58%	98.68%	98.88%
Delinquent tax collections	\$ 124,029	\$ 95,802	\$ 95,669	\$ 80,250
Total tax collections	<u>\$ 7,613,833</u>	<u>\$ 7,662,250</u>	<u>\$ 8,040,894</u>	<u>\$ 8,380,953</u>
Total collections as a percentage of current levy	99.87%	99.83%	99.87%	99.84%
Outstanding delinquent taxes	\$ 9,636	\$ 13,368	\$ 10,716	\$ 13,590
Outstanding delinquent taxes as percentage of current levy	0.13%	0.17%	0.13%	0.16%

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 9,136,737	\$ 9,733,834	\$ 10,352,600	\$ 10,867,368	\$ 11,407,561	\$ 12,419,069
\$ 9,040,858	\$ 9,627,522	\$ 10,240,350	\$ 10,731,665	\$ 11,237,139	\$ 12,271,307
98.95%	98.91%	98.92%	98.75%	98.51%	98.81%
\$ 80,177	\$ 89,730	\$ 87,029	\$ 105,587	\$ 90,660	\$ -
<u>\$ 9,121,035</u>	<u>\$ 9,717,252</u>	<u>\$ 10,327,379</u>	<u>\$ 10,837,252</u>	<u>\$ 11,327,799</u>	<u>\$ 12,271,307</u>
99.83%	99.83%	99.76%	99.72%	99.30%	98.81%
\$ 15,702	\$ 16,582	\$ 25,221	\$ 30,116	\$ 79,762	\$ 147,762
0.17%	0.17%	0.24%	0.28%	0.70%	1.19%

CITY OF ALVIN, TEXAS
RATIOS OF OUTSTANDING DEBT BY TYPE
Last Ten Years

		Fiscal Year			
		2012	2013	2014	2015
Primary Government					
Governmental Activities:					
General obligation bonds	\$	5,861,240	\$ 6,153,088	\$ 5,154,756	\$ 4,303,667
Certificates of obligation		4,919,192	4,656,772	4,371,247	4,029,512
Capital leases		-	450,000	472,490	436,936
Issuance discounts/premiums		247,950	231,616	215,282	202,037
Subtotal		11,028,382	11,491,476	10,213,775	8,972,152
Business-Type Activities:					
Revenue bonds		4,945,000	4,925,000	-	-
General obligation bonds (1)		11,921,760	10,740,921	14,560,252	13,401,339
Certificates of obligation (2)		1,160,808	898,228	623,753	10,330,488
Issuance discounts/premiums		189,361	179,071	195,899	551,210
Subtotal		18,216,929	16,743,220	15,379,904	24,283,037
Total Primary Government	\$	29,245,311	\$ 28,234,696	\$ 25,593,679	\$ 33,255,189
 Personal Income					
	\$	539,299,000	\$ 564,481,000	\$ 566,832,000	\$ 534,234,000
 Debt as a Percentage of Personal Income					
		5.42%	5.00%	4.52%	6.22%
 Population					
		24,236	24,236	24,236	24,236
 Debt per Capita					
	\$	1,207	\$ 1,165	\$ 1,056	\$ 1,372

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements.

(1) General obligation bonds refunded previously issued revenue bonds and are self-supporting from pledged utility revenues.

(2) Certificates of obligations are self-supporting from pledged utility revenues.

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 3,262,729	\$ 2,777,474	\$ 4,925,766	\$ 4,414,329	\$ 3,732,716	\$ 3,172,075
3,937,092	3,743,010	207,945	14,880,000	20,110,000	19,365,000
402,050	364,265	326,154	290,807	262,476	233,226
188,791	175,545	294,759	1,714,249	2,064,136	1,950,470
7,790,662	7,060,294	5,754,624	21,299,385	26,169,328	24,720,771
-	-	9,290,000	24,070,000	22,840,000	38,040,000
11,672,276	10,567,531	10,354,252	9,205,688	7,967,300	6,722,929
10,322,908	9,776,990	8,957,055	8,410,000	7,880,000	7,350,000
520,607	490,004	788,219	2,083,072	1,967,005	3,527,814
22,515,791	20,834,525	29,389,526	43,768,760	40,654,305	55,640,743
\$ 30,306,453	\$ 27,894,819	\$ 35,144,150	\$ 65,068,145	\$ 66,823,633	\$ 80,361,514
\$ 580,839,000	\$ 608,914,000	\$ 617,818,000	\$ 615,572,000	\$ 621,944,000	\$ 702,446,000
5.22%	4.58%	5.69%	10.57%	10.74%	11.44%
24,236	24,236	24,236	28,616	28,616	27,098
\$ 1,250	\$ 1,151	\$ 1,450	\$ 2,274	\$ 2,335	\$ 2,966

CITY OF ALVIN, TEXAS
RATIOS OF GENERAL BONDED DEBT OUTSTANDING
Last Ten Years

	Fiscal Year			
	2012	2013	2014	2015
Estimated Actual Taxable Value of Property				
All property	\$ 907,541,107	\$ 917,184,020	\$ 959,353,423	\$ 1,006,033,215
Net Bonded Debt				
General bonded debt (1)	\$ 24,300,311	\$ 22,859,696	\$ 25,121,189	\$ 32,818,253
Less debt service funds	99,776	102,167	79,394	74,833
Net Bonded Debt	<u>\$ 24,200,535</u>	<u>\$ 22,757,529</u>	<u>\$ 25,041,795</u>	<u>\$ 32,743,420</u>
Net Bonded Debt as a Percentage of Estimated Actual Taxable Value of Property	2.67%	2.48%	2.61%	3.25%
Population	24,236	24,236	24,236	24,236
Net Bonded Debt per Capita	\$ 999	\$ 939	\$ 1,033	\$ 1,351

Note:

(1) General bonded debt includes debt of both governmental and business-type activities (excluding capital leases and revenue bonds), net of original issuance discounts and premiums.

Fiscal Year					
2016	2017	2018	2019	2020	2021
\$ 1,087,861,264	\$ 1,228,341,881	\$ 1,287,439,433	\$ 1,393,436,092	\$ 1,476,163,652	\$ 1,616,358,945
\$ 29,904,403 92,651	\$ 27,530,554 97,686	\$ 25,527,996 152,313	\$ 40,707,338 394,430	\$ 43,721,157 383,194	\$ 42,088,288 346,985
<u>\$ 29,811,752</u>	<u>\$ 27,432,868</u>	<u>\$ 25,375,683</u>	<u>\$ 40,312,908</u>	<u>\$ 43,337,963</u>	<u>\$ 41,741,303</u>
2.74%	2.23%	1.97%	2.89%	2.94%	2.58%
24,236	24,236	24,236	28,616	28,616	27,098
\$ 1,230	\$ 1,132	\$ 1,047	\$ 1,409	\$ 1,514	\$ 1,540

CITY OF ALVIN, TEXAS
DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT
September 30, 2021

	Net Bonded Debt Outstanding	Estimated Percentage Applicable (1)	Estimated Share of Overlapping Debt
Governmental Unit			
Debt Repaid with Property Taxes			
Brazoria County	\$ 66,697,125	14.19%	\$ 9,462,135
Alvin Independent School District	\$ 815,705,000	47.76%	389,557,404
Alvin Community College	\$ 26,515,000	6.35%	1,683,742
Subtotal, overlapping debt			400,703,281
 City Direct Debt	 \$ 24,720,771	 100.00%	 24,720,771
Total Direct and Overlapping Debt			\$ 425,424,052

Source: Brazoria County

(1) The percentage of overlapping debt applicable is estimated using taxable assessed property values. Applicable percentages were estimated by determining the portion of the overlapping government taxable assessed value that is within the City's boundaries and dividing it by the City's total taxable assessed value.

CITY OF ALVIN, TEXAS

LEGAL DEBT MARGIN INFORMATION

September 30, 2021

Tax Year	Fiscal Year	Total Taxable Assessed Value	State Equalization Rate	Full Valuation
2020	2021	\$ 1,616,358,945	100%	\$ 1,616,358,945
2019	2020	\$ 1,476,163,652	100%	1,476,163,652
2018	2019	\$ 1,393,436,092	100%	1,393,436,092
2017	2018	\$ 1,287,439,433	100%	1,287,439,433
2016	2017	\$ 1,228,341,881	100%	1,228,341,881
Total Five Year Valuation				\$ 7,001,740,003
Five Year Average Full Valuation of Taxable Real Property				\$ 1,400,348,001
Debt Limit (10% of Average Full Valuation)				\$ 140,034,800
Outstanding Indebtedness at September 30				
Governmental Activities - General Obligation Debt				\$ 3,172,075
Business-Type Activities - General Obligation Debt				6,722,929
Net Indebtedness Subject to Debt Limit				\$ 9,895,004
Net Debt Contracting Margin				\$ 130,139,796
Percentage of Net Debt Contracting Margin Available				92.93%
Percentage of Net Debt Contracting Power Exhausted				7.07%

Last Ten Fiscal Years

Fiscal Year	Debt Limit	Outstanding Indebtedness September 30	Net Debt Contracting Margin	Percentage of Net Debt Contracting Margin Available
2021	\$ 140,034,800	\$ 9,895,004	\$ 130,139,796	92.93%
2020	\$ 129,464,846	\$ 11,700,016	\$ 117,764,830	90.96%
2019	\$ 120,062,238	\$ 13,620,017	\$ 106,442,221	88.66%
2018	\$ 111,380,584	\$ 15,280,018	\$ 96,100,566	86.28%
2017	\$ 103,975,476	\$ 13,345,005	\$ 90,630,471	87.17%
2016	\$ 97,559,461	\$ 14,935,005	\$ 82,624,456	84.69%
2015	\$ 94,691,726	\$ 17,705,006	\$ 76,986,720	81.30%
2014	\$ 92,068,888	\$ 19,715,008	\$ 72,353,880	78.59%
2013	\$ 91,718,402	\$ 16,894,009	\$ 74,824,393	81.58%
2012	\$ 90,754,111	\$ 17,783,000	\$ 72,971,111	80.41%

CITY OF ALVIN, TEXAS

PLEDGED-REVENUE COVERAGE

Last Ten Years

	Fiscal Year			
	2012	2013	2014	2015
Gross Revenues (1)	\$ 6,539,555	\$ 7,009,368	\$ 7,124,351	\$ 7,642,799
Operating Expenses (2)	3,205,149	3,487,003	3,515,952	4,758,924
Net Revenues Available for Debt Service	<u>\$ 3,334,406</u>	<u>\$ 3,522,365</u>	<u>\$ 3,608,399</u>	<u>\$ 2,883,875</u>
Debt Service Requirements (3)				
Principal	\$ 620,000	\$ 20,000	\$ -	\$ -
Interest	388,256	204,338	-	-
Total	<u>\$ 1,008,256</u>	<u>\$ 224,338</u>	<u>\$ -</u>	<u>\$ -</u>
Coverage	3.31	15.70	-	-

(1) Total operating revenues including interest

(2) Total operating expenses less depreciation

(3) Includes revenue bonds only

* Revenue bonds were issued in fiscal year 2018, however, no principal or interest payments were scheduled.

Fiscal Year					
2016	2017	2018*	2019	2020	2021
\$ 7,707,395	\$ 8,126,553	\$ 8,791,640	\$ 11,199,041	\$ 12,260,451	\$ 13,436,865
5,496,715	4,018,228	3,996,306	4,021,047	4,012,455	3,861,494
<u>\$ 2,210,680</u>	<u>\$ 4,108,325</u>	<u>\$ 4,795,334</u>	<u>\$ 7,177,994</u>	<u>\$ 8,247,996</u>	<u>\$ 9,575,371</u>
\$ -	\$ -	\$ -	\$ 465,000	\$ 1,230,000	\$ 1,230,000
-	-	-	309,314	993,994	851,331
<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 774,314</u>	<u>\$ 2,223,994</u>	<u>\$ 2,081,331</u>
-	-	-	9.27	3.71	4.60

CITY OF ALVIN, TEXAS
DEMOGRAPHIC AND ECONOMIC STATISTICS
 Last Ten Years

Fiscal Year Ended	Population (1)	Personal Income (1)	Per Capita Personal Income (4)	Median Age (1)	Education Level in Years of Schooling (1)	School Enrollment (2)	Unemploy- ment Rate (3)
2012	24,236	\$ 539,299,000	\$ 22,252	33.00	13.60	18,206	6.20%
2013	24,236	\$ 564,481,000	\$ 23,291	34.50	13.18	19,696	6.00%
2014	24,236	\$ 566,832,000	\$ 23,388	32.50	13.00	19,809	4.90%
2015	24,236	\$ 534,234,000	\$ 22,043	32.80	12.76	20,209	4.70%
2016	24,236	\$ 580,839,000	\$ 23,966	33.50	13.10	23,479	5.70%
2017	24,236	\$ 608,914,000	\$ 25,124	35.10	13.11	23,632	5.40%
2018	24,236	\$ 617,818,000	\$ 25,492	35.00	13.30	26,000	4.40%
2019	28,616	\$ 615,572,000	\$ 21,511	35.40	14.00	27,156	4.20%
2020	28,616	\$ 621,944,000	\$ 21,734	35.40	14.00	27,063	7.90%
2021	27,098	\$ 702,446,000	\$ 25,922	33.40	14.00	27,033	7.90%

Data sources:

- (1) Alvin Manvel Area Chamber of Commerce; 2010 Estimated Census.
- (2) Alvin Independent School District
- (3) Brazoria County Labor Market Information Website
- (4) City of Alvin; The Economic Development Alliance

CITY OF ALVIN, TEXAS

PRINCIPAL EMPLOYERS

Current Year and Nine Years Ago

Employer	2021*			2012**		
	Employees	Rank	Total City Employment (%)	Employees	Rank	Total City Employment (%)
Alvin Independent School District	2,636	1	52.27%	2,520	1	39.49%
INEOS Olfens and Polymers USA	575	2	11.40%	440	6	6.89%
Ascend Performance Materials	550	3	10.91%	470	5	7.36%
Empereon Constar	330	4	6.54%	-	-	0.00%
Alvin Community College	314	5	6.23%	545	3	8.54%
Team Industrial Services	268	6	5.31%	257	8	4.03%
City of Alvin	226	7	4.48%	247	9	3.87%
RiceTec	144	8	2.86%	-	-	0.00%
Dish Network	-	-	-	972	2	15.23%
WalMart	-	-	-	520	4	8.15%
Ron Carter Automotive	-	-	-	320	7	5.01%
Diversified Ceramics	-	-	-	91	10	1.43%
Total	5,043		100.00%	6,382		100.00%

Source: Economic development department

* [http://www.eda-bc.com/reports ...](http://www.eda-bc.com/reports...) Data only provided top 8 major employers (Reports > Top Employers List)

** City of Alvin Financial Report FYE 9/30/2012

CITY OF ALVIN, TEXAS
FULL-TIME EQUIVALENT CITY GOVERNMENT EMPLOYEES BY FUNCTION
Last Ten Years

	Fiscal Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<u>General Fund:</u>										
Administration	4	3	2	3	2	2	3	3	3	2
Legal	3	3	3	3	3	3	1	1	1	2
Municipal	2	2	2	3	3	3	3	3	4	4
City Secretary	3	3	3	3	3	3	3	3	3	3
Finance	6	7	7	7	8	8	8	7	7	7
Public Safety										
Police	76	74	73	72	73	72	72	72	73	78
Fire	4	4	4	4	4	4	4	4	4	4
Fire Marshal	1	1	1	1	1	1	1	1	1	1
Humane	2	4	4	6	7	7	7	7	7	8
Culture and Recreation										
Parks	11	10	10	9	9	9	9	9	9	9
Facility Maintenance	1	1	1	1	1	2	2	2	2	2
Senior Center	1	1	1	1	1	1	1	1	1	1
Economic Development	2	1	1	2	2	2	2	2	2	2
CNB	1	2	2	1	1	1	1	1	1	1
Public Works										
Street	22	25	25	25	25	25	25	25	25	25
Engineering	-	9	7	7	8	9	9	9	10	11
Community Development										
Inspections	9	4	4	4	4	4	4	4	4	6
Code Enforcement	-	-	-	-	-	-	-	-	-	4
General Fund Total	148	154	150	152	155	156	155	154	157	170
<u>Enterprise Fund:</u>										
Administration	7	8	8	8	7	7	7	7	7	7
Water, Sewer, WWTP	24	25	24	24	24	24	24	23	23	23
Code Enforcement	-	-	4	4	5	4	4	4	4	3
Enterprise Fund Total	31	33	36	36	36	35	35	34	34	33
<u>Internal Service Funds:</u>										
Administration	4	4	5	6	6	6	5	5	5	5
Internal Service Funds Total	4	4	5	6	6	6	5	5	5	5
<u>Emergency Medical Services:</u>										
Administration	3	3	3	18	18	18	18	18	18	18
Emergency Medical Services Total	3	3	3	18	18	18	18	18	18	18
Total City Positions	186	194	194	212	215	215	213	211	214	226

Source: Economic development department

CITY OF ALVIN, TEXAS
OPERATING INDICATORS BY FUNCTION
Last Ten Years

	Fiscal Year			
	2012	2013	2014	2015
Function/Program				
Police				
Physical arrests	2,199	2,402	676	1,271
Traffic violations	3,649	4,522	5,001	4,647
Fire				
Emergency responses	560	551	675	636
Inspections	428	333	740	1,600
Sanitation				
Monthly residential pickups	5,486	5,566	5,683	5,833
Commercial containers	842	866	883	828
Culture and recreation				
Athletic fields	22	22	22	22
Water				
New accounts	91	117	119	196
Total number of water connections	7,567	7,684	7,803	7,999
Average daily consumption (thousands of gallons)	2,395	2,337	2,337	2,650
Sewer				
Average daily sewage treatment (thousands of gallons)	2.860	2.639	2.639	2.800

Source: Various City departments

Note: Indicators are not available for the general government functions

Fiscal Year					
2016	2017	2018	2019	2020	2021
2,139	2,017	1,955	1,970	1,593	2,586
4,103	5,127	7,325	5,891	3,692	4,450
660	743	690	720	611	838
1,563	1,409	1,681	1,703	1,637	1,518
6,017	6,090	6,144	6,280	6,386	6,457
843	849	941	968	969	952
22	22	22	22	22	22
64	123	294	121	173	239
8,063	8,186	8,480	8,601	8,774	9,013
2.604	2.790	2.838	2.697	2.651	2.970
2.546	2.942	2.993	3.568	3.720	4.043

CITY OF ALVIN, TEXAS
CAPITAL ASSET STATISTICS BY FUNCTION
Last Ten Years

Function/Program	Fiscal Year			
	2012	2013	2014	2015
Police				
Stations	1	1	1	1
Patrol units	41	41	41	41
Fire				
Fire station	3	3	3	3
Volunteers	65	65	65	65
Highways and streets				
Streets (miles)	180	180	180	180
Parks and recreation				
Parks acreage	103	171	171	171
Parks	16	14	14	14
Senior center	-	1	1	1
Skate park	-	1	1	1
Dog park	-	1	1	1
Hike and bike trail	-	1	1	1
Swimming pools	1	1	1	1
Tennis courts	2	2	2	2
Water				
Water wells	5	5	5	5
Water mains (miles)	150	150	150	150
Fire hydrants	946	949	949	1,200
Storage capacity (thousands of gallons)	8.31	8.31	8.31	8.31
Sewer				
Sanitary sewers (miles)	142	142	142	142
Storm sewers (miles)	52	52	52	57
Treatment capacity (thousands of gallons)	15	15	15	15

Source: Various City departments

Note: No capital asset indicators are available for the general government functions

Fiscal Year					
2016	2017	2018	2019	2020	2021
1	1	1	1	1	1
40	40	40	40	40	40
3	3	3	3	3	3
60	62	60	64	59	65
183	183	183	183	183	190
171	171	171	171	171	171
14	14	14	14	14	14
1	1	1	1	1	1
1	1	1	1	1	1
1	1	1	1	1	1
1	1	1	1	1	1
1	1	1	1	1	1
2	2	2	2	2	2
5	5	5	5	5	5
148	150	150	152	157	163
976	984	984	1,039	1,061	2,704
8.31	8.31	8.31	8.31	8.31	8.31
142	144	144	148	148	152
57	57	57	16	25	27
15	15	15	15	15	15



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: City Manager

Contact: Junru Roland, City Manager

Agenda Item: Consider a Development/Chapter 380 Agreement with Binnacle Development LLC to permit the construction of public improvements necessary for the development and operation of the Bayou Point Improvement District No. 1.; and authorize the Mayor to sign said Agreement upon legal review.

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

Summary: On March 4, 2021, Binnacle Development LLC (the Developer) presented information to City Council on the proposed Bayou Point Residential Development – located on the ~ 28-acre tract at the end of Tovrea Street, adjacent to Bill Hasse Elementary. The Developer’s plan is to build approximately 120 patio homes, in three phases, with projected home values ranging from \$275,000 - \$325,000.

Phase I:

- Floodplain Mitigation
- Connection to State Highway 35
- Entry Monument & Landscaping
- Utilities & Pavement to serve Section 1

Phase II:

- Pedestrian Bridge
- Utilities & Pavement to serve Section 2

Phase III:

- Tovrea Road Improvements
- Connection to Hasse Elementary School
- Utilities to Serve Section 3

On September 2, 2021, Binnacle Development LLC petitioned the City for the creation of a public improvement district* on the site; and on November 18, 2021, City Council authorized the establishment of the Bayou Point Public Improvement District No. 1 in order for the Developer to provide certain improvements to the property.

This agreement outlines the terms and conditions on which the Developer will construct the improvements on behalf of the City as well as the terms in which the City will reimburse the Developer certain costs from ad valorem taxes and/or assessments collected through the District.

Staff recommends approval of this Agreement.

** A public improvement district (PID) is a designated area where property owners pay a special assessment for improvements and services within that area. The services must benefit the PID area and are supplemental to services already provided by the city.*

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:** 3/29/2022 SLH

Supporting documents attached:

- Chapter 380 Grant / Development Agreement.
 - City Council Minutes from the March 4, 2021, Workshop
 - The Developer's presentation to the Planning Commission
-

Recommendation: Move to approve a Chapter 380 Development Agreement with Binnacle Development LLC to permit the construction of public improvements necessary for the development and operation of the Bayou Point Improvement District No. 1. and authorize the Mayor to sign said Agreement upon legal review.

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

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

**PUBLIC IMPROVEMENT DISTRICT AND CHAPTER
380 GRANT DEVELOPMENT AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This AGREEMENT (the “Agreement”) effective as of April 7, 2022, by and between the CITY OF ALVIN, TEXAS (“City”), a municipal corporation and home-rule city of the State of Texas, acting by and through its governing body, the City Council, and Binnacle Development, LLC (the “Developer”), a Texas limited liability company.

RECITALS

WHEREAS, the Developer is or will be the owner of approximately 32 acres of land described in Exhibit “A” (“Property”) within the corporate boundaries of the City, which land the Developer is desirous of subdividing and developing; and

WHEREAS, the landowners petitioned the City for the creation of a public improvement district and pursuant to Chapter 372 of the Texas Local Government Code, as amended (the “Act”), and on November 18, 2021, the City Council of the City authorized the Bayou Point Improvement District No. 1 (the “District”) in Resolution No. 21-R-31 in order for the Developer to provide certain improvements to serve the Property; and

WHEREAS, the Developer is agreeable to constructing the public improvements on behalf of the City if the City will reimburse the Developer such costs from monies collected through the District; and

WHEREAS, the Developer also is agreeable to constructing the herein defined Improvements if the City will reimburse the Developer a portion of such costs from the herein defined Grant Payments; and

WHEREAS, the Parties hereto wish to agree on the conditions under which the Developer will construct the public improvements on behalf of the City and under which the City will reimburse the Developer for the costs of creating and operating the District and the cost of constructing the public improvements; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with the Developer to initially fund, on behalf of the City, the planning for and the construction of the public improvements described in the Plan and the reimbursement of the Developer as provided herein, which will result in the efficient and effective implementation of the Plan.

NOW THEREFORE, for and in consideration of the mutual promises, covenants, obligations, and benefits of this Agreement, the City and the Developer contract and agree as follows:

AGREEMENT

ARTICLE 1. GENERAL TERMS

1.1 **Definitions.** The term “Act,” “Agreement,” “City,” “Developer,” and “District,” have the meanings set forth in the preamble hereof, and the following capitalized terms have the following meanings, unless otherwise defined or the context clearly requires otherwise.

“Assessments” means the special assessments levied by the City Council on property in the District pursuant to the Plan.

“Business Day” means a day other than a Friday, Saturday, Sunday, or legal holiday in the State of Texas or the City.

“City Manager” means the City Manager of the City or his or her designee. “City Council” means the City Council of the City of Alvin.

“Developer Contributions” means the Tovrea Road Improvements, Sidewalk Improvements, and Pedestrian Bridge, as further described in **Exhibit “B”**

“HOA” means the homeowners association to be organized by the Developer to serve the Property.

“Landscaping Projects” means the landscaping, fencing, monument, signage, oversized sidewalks, and detention projects all as described in the Plan and to be developed and ultimately conveyed to the HOA for operation and maintenance.

“Plan” means the District Service and Assessment Plan, as approved by the City Council.

“Project” means the design and construction of one or more public improvements as shown in the exhibits of the Plan.

“Project Costs” means the cost of the acquisition, design, planning, construction, assembly, installation, development, provisions, and implementation of one or more Projects and all associated costs, including but not limited to, the fees and expenses of Project Managers, engineers, lawyers, and other consultants related to the Project; and the administrative and operating costs of the District.

“Project Manager” means the agent of the Developer for carrying out the responsibilities enumerated in Article 5 hereof and other responsibilities delegated by the Developer.

“Public Improvement District Fund” means the separate fund in the City Treasury established by the City and funded with Assessments.

“Street and Drainage Projects” means the street, road and paving Projects, headwall and flow control structure, stormwater drainage Projects, including pipes connecting to drainage outfalls to Mustang Bayou, all as described in the Plan and to be developed and conveyed to the City for operation and maintenance.

“Utility Layout and Land Plan” means those items shown on **Exhibit “B,”**

1.2 Singular and Plural. Words used herein in the singular, where the context so permits, also include the plural and vice versa. The definitions of words in the singular herein also apply to such words when used in the plural where the context so permits and vice versa.

ARTICLE 2. ADMINISTRATION OF THE DISTRICT

2.1 Delegation of Powers. The City hereby delegates to the City Manager the power to approve: (i) the plans and specifications of the Projects, (ii) the award and approval of construction contracts and change orders in accordance with this Agreement, and (iii) the approval of the reports required by Section 4.3 of this Agreement. The Parties agree and acknowledge that time is of the essence and that any reviews and approvals by the City Manager required pursuant to this Agreement shall be performed in a timely manner and that no approvals shall be unreasonably conditioned, delayed or withheld. The City further delegates to the City Manager the power to make payments to the Developer in accordance with Article 4 of this Agreement, without further authorization, provided that the payments are supported by a report required by Section 4.3 of this Agreement.

2.2 Advisory Board. The Act allows the City to establish an advisory board to assist in the administration and management of the District. The Developer acknowledges that the City, in its discretion, may establish an advisory board at any time. If, in the future, the Developer decides that the creation of an advisory board and the administration and management of the District by such board is necessary or convenient to the operation of the District and the fulfillment of the Plan, the Developer shall submit a written request to the City Council to establish an advisory board and the City Council may establish such advisory board. The sole function of such advisory board shall be to make recommendations to City staff and City Council. The City also authorizes the use of its staff pursuant to the direction of the advisory board (except where such direction may conflict with the City charter, directives of the City Council or policies of the City) to implement the Plan.

2.3 The Plan. The Parties acknowledge that the duties and obligations of this Agreement can only be fulfilled in accordance with the Plan and its exhibits, as approved, which provides for the complete development of each part of the Project. Therefore, the City Council agrees that it will not approve any amendment to the Plan unless the City has received the prior written consent of the Developer. The City will use reasonable efforts to implement the Plan, causing each part of the Project to be acquired and installed in accordance with this Agreement.

ARTICLE 3.
DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

3.1 Description of the Project. The Developer intends to construct (or cause to be constructed) the Project, on the Property, to be served by the City with water and other utility services.

3.2 Developer Contribution: Tovrea Road and Sidewalk Improvements, and a Pedestrian Bridge for the Project. To develop the Project, the City requires improvements to Tovrea Road, including sidewalk improvements, and the construction of a Pedestrian Bridge as further described in Exhibit “C,” (the “Improvements”). The Developer agrees to construct the Improvements, provided 75% of Tovrea Road and 25% of the Pedestrian Bridge improvements will be reimbursed to the Developer as provided by the Grant Payments. The remaining portions of the cost of the Improvements will be included as part of the Project and reimbursed solely by the Assessments.

3.3 Grant Payments.

3.3.1 In consideration of the completion of the economic benefits of the Project to the City, as well as the Developer Contribution, the City agrees to provide economic development grant payments (the “Grant Payments”) to the Developer provided the Developer is in full compliance with the terms of this Agreement and is not in default. The Grant Payments shall be made on the following percentage of the ad valorem taxes received by the City from tax accounts located within the Property, less the ad valorem taxes received by the City, respectively, within the Property attributable to the Base Value (the “Project Tax Increment”). “Base Value” means the cumulative taxable valuation of all taxable property within the Property as certified by the Brazoria County Appraisal District for the tax year beginning January 1 of the year following the Effective Date of this Agreement.

Grant Payments shall commence the June 1 following the Effective Date (the Effective Date being January 1 of the year following completion of the first 25 homes on the Property as evidenced by City certificates of occupancy).

Years 1 – 2 from the Grant Payment Effective Date: Developer shall receive 80% of ad valorem taxes received by the City within the Property.

Years 3 – 5 from the Grant Payment Effective Date: Developer shall receive 60% of ad valorem taxes received by the City within the Property.

Years 6 – 8 from the Grant Payment Effective Date: Developer shall receive 50% of ad valorem taxes received by the City within the Property.

Years 9 – 11 from the Grant Payment Effective Date: Developer shall receive 40% of ad valorem property taxes received by the City within the Property.

3.3.2 The Grant Payments shall be remitted to the Developer on or before June 1 of each

year for with respect to the Project Tax Increment received as of that date from the City's ad valorem property taxes levied in the prior calendar year, plus all previous years for which Grant Payments are due under this Agreement.

3.4 Selection and Retention of Consultants. The Developer shall select and retain the engineers, architects, landscape architects, attorneys, development consultants and land planners for the Project and consultants for the operation and administration of the District. At minimum, the Developer will construct the Project in three phases, as determined by the Developer and outlined in the presentation presented to City Council on March 4, 2021.

3.4.1 Phase I

- Floodplain Mitigation
- Connection to State Highway 35
- Entry Monument and Landscaping
- Utilities and Pavement to serve Section 1

3.4.2 Phase II

- Pedestrian Bridge
- Utilities and Pavement to serve Section 2

3.4.3 Phase 3

- Connection to Tovrea Road
- Connection to Hasse Elementary
- Utilities and Pavement to Serve Section 3

3.5 Plans and Specifications. The Developer shall prepare or cause to be prepared the plans and specifications for the Project. If a Project is the type of project for which the approval of plans of specifications by the City is required by statute or City Ordinance, prior to the commencement of construction of such Project, the plans and specifications must be promptly reviewed and approved by the City Engineer. If there are any material changes to the plans and specifications of such Project, the Developer shall submit such changes to the City Manager for approval.

3.6 Construction. The Developer shall be responsible for the construction and implementation of the Project. Upon completion of a contract for the construction of a Project, the Developer shall provide the City with a final cost summary of all costs associated with the contract and show that all amounts owing to contractors and subcontractors have been paid in full, as evidenced by customary affidavits executed by such contractors.

3.7 Completed Projects. Upon completion of a contract for the construction of a Street and Drainage Project, the Developer shall call for inspection of the Street and Drainage Project by the City (which inspection shall occur within thirty (30) days of the request), and upon approval thereof as being in compliance with the plans and specifications for the Project, as approved by the City Manager, the Street and Drainage Project shall be conveyed to the City, subject only to a lien protecting the right of the Developer to be reimbursed for Project Costs with respect thereto. Utility Projects and Landscaping Projects shall be conveyed upon completion to the City and the HOA,

respectively.

3.8 Contractor Warranties. The Developer shall ensure that each construction contract for a Street and Drainage Project provides that the contractor shall provide the Developer with a one-year warranty of the work performed pursuant to such contract. The Developer agrees to enforce such warranties during the warranty period, even though the warranty involves work on a Street and Drainage Project already conveyed to the City. If, during the warranty period, the City determines that a contractor's work is defective, it shall immediately provide written notification to the Developer. Upon receipt of written notification from the City, the Developer agrees to promptly make a claim against the contractor under the warranty. The Parties acknowledge that the Developer is not independently providing a warranty or guarantee for any work performed on the Project and is relying solely on the warranties and guarantees provided by contractors.

3.9 Dedication of Property. To the extent necessary and appropriate, the Developer agrees to dedicate to the City or the HOA all easements, rights-of-way and sites needed to construct, operate, and maintain the Project.

3.10 Payments to Contractors, Vendors, and Consultants. The Developer shall be responsible for the entire cost of the Project. The Developer hereby agrees to promptly advance sufficient funds to pay for all costs of the Project specified in the Plan. Provided, however, the Developer shall not be obligated to advance funds pursuant to this Section for any Project that is not being financed pursuant to this Agreement or for any contract or expense not approved in writing in advance by the Developer.

3.11 Notice to Purchaser. The Developer shall cause to be prepared and recorded in the real property records of the county or counties in which the District is located a "notice to purchasers" of real property. Such notice shall be in a form required by law and approved by the City Manager.

ARTICLE 4. OBLIGATIONS OF THE CITY

4.1 Levy of Assessment. When the Developer determines that it is practical, convenient, or necessary for an Assessment to be levied upon all or a portion of the District, the Developer shall submit a written request to the City that an Assessment be levied. The Developer's written request shall include: (i) a proposed amount of Assessment, (ii) a proposed time frame for payment of the Assessment, (iii) the proposed amount of the annual payments, (iv) the rate of interest that will accrue on such Assessments, and (v) if the proposed Assessment is against less than all of the property in the District, a description of the property proposed to be Assessed. The City agrees to promptly consider the Developer's written request and, if such request is determined by the City to be consistent with this Agreement, the Plan and state law, to levy such Assessment.

4.2 Public Improvement District Fund. The City hereby covenants and agrees that it will establish and maintain a Public Improvement District Fund for the District as a separate interest-bearing fund in the City Treasury. The City agrees to deposit all Assessments into the Public Improvement District Fund during the term of this Agreement; which amounts shall be used

to pay the administration and operating expenses of the District and to reimburse the Developer as provided herein. The City shall establish subaccounts for Assessments arising from each assessment roll.

4.3 Reimbursement Report. At such time as funds are available to reimburse all or a portion of the advances made by the Developer, the City may, at its sole option, hire a certified public accountant to calculate the amount due to the Developer and prepare and submit a report to the City certifying: (i) the amount due the Developer for the advances of the Developer being repaid, and (ii) that funds are available for such payment. The Developer agrees to cooperate with the auditor and, for the purposes of such report, agrees to provide access to all documents and records in the Developer's possession, custody or control relating to funds advanced by the Developer. Such report shall be approved by the City Manager. The expense of such report shall be an operation and administration expense of the District.

4.4 Administrative and Operating Costs. The administrative and operating costs of the District shall be paid from the Public Improvement District Fund and the payment of such expenses shall take priority over reimbursing the Developer for Project Costs. The administrative and operating costs of the District shall include the reasonable cost of the City in operating and administering the District and the Assessment, including the cost of collection of the Assessment.

4.5 Reimbursement of Expenditures. The Developer shall be reimbursed by the City for the advances the Developer makes for the payment of Project Costs in accordance with the reports required by Section 4.3 of this Agreement. The City shall make such reimbursement from funds in the Public Improvement District Fund (which will contain the Assessments). In consideration of the development and construction of the Project, the City shall begin reimbursing the Developer in installments, and shall continue such reimbursement until reimbursed in full, on the earliest date that funds are available in the Public Improvement District Fund. The amounts due to be reimbursed to Developer shall accrue interest from the date of the levy of the Assessments, at the interest rate accruing on the Assessments, until paid to Developer. The interest accruing on the Assessments shall be the amounts provided in Texas Local Government Code, Section 372.023(e)(2).

4.6 Payments to the Developer. The City agrees to reimburse the Developer for its advances in installments. Installment payments shall be initiated within thirty (30) days of approval of a report by the City Manager pursuant to Section 4.3 if funds are available in the Public Improvement District Fund. If funds are not available within thirty (30) days of approval of a reimbursement report, installment payments shall be initiated as soon as funds are available in the Public Improvement District Fund. Installment payments shall continue no less frequently than semi-annually if funds are available in the Public Improvement District Fund. On or about the fifteenth (15th) day of February and the fifteenth (15th) day of August of each year, the Developer shall submit to the City a written request for reimbursement. Installment payments shall be made by the City to the Developer on or about the fifteenth (15th) day of March and the fifteenth (15th) day of September of each year. In any request for reimbursement, the Developer may request, and the City shall provide, an accounting of the payments into and out of the Public Improvement District Fund, including payments relating to the administration and operation of the District.

4.7 Special Obligations. Any payment to be made under this Agreement is a special obligation of the City payable solely from the Public Improvement District Fund, as and to the extent provided in this Agreement. This Agreement does not give rise to a charge against the general credit or taxing powers of the City or any other taxing unit and is not payable except as provided in this Agreement. The Developer and its successors and assigns shall never have the right to demand payment thereof out of any funds of the City other than the Public Improvement District Fund.

4.8 Assessments. The City agrees to levy Assessments on property in the District in accordance with the Plan, as the same may be amended from time to time. It is contemplated that Assessments will be levied on portions of the District as each such portion is developed with improvements.

4.9 Collection of Assessments. The City covenants and agrees that it will, as authorized under the Act and other applicable laws, continuously collect Assessments levied pursuant to the Plan during the term of this Agreement in the manner and to the maximum extent permitted by the Act. The City covenants and agrees that it will not permit a reduction, abatement, or exemption in the Assessments due on property in the District until the Developer has been paid in full. The City will use good and sound practices to collect the Assessments, including instituting a suit to foreclose on an Assessment lien, if appropriate, consistent with the City's policies and standard practices applicable to the collection of City taxes and assessments.

4.10 Acceptance of Property and Facilities. The City agrees to accept title to, to maintain, operate and repair any property or facilities proposed to be dedicated hereunder by the Developer to the City.

ARTICLE 5. PROJECT MANAGER

5.1 General Powers. The Developer or the Developer's authorized agent shall act as Project Manager and shall act as an agent of the District and shall be responsible for the supervision and inspection of the acquisition, design, construction, assembly, installation and implementation of the Project or phases thereof, in accordance with this Agreement and the Plan. The grant of specific powers, duties, and responsibilities to a Project Manager pursuant to this Agreement shall not be construed to limit the general powers granted by this Section to the Developer to hire and utilize Project Managers.

5.2 Designation. The Developer may change its designation of a Project Manager for the Project or any phase thereof at any time upon written notification to the City and subject to the approval of the City Manager.

ARTICLE 6. INSURANCE AND INDEMNITY

6.1 Insurance and Indemnity. The Developer shall require all contractors to provide such indemnities to the City and to secure and maintain insurance as would be required (by statute, charter, or ordinance) for similar City contracts.

ARTICLE 7.
MISCELLANEOUS

7.1 Personal Liability of Public Officials. To the extent permitted by State law, no public official shall be personally responsible for any liability arising under or growing out of the Agreement.

7.2 No Third-Party Beneficiaries. The City and the Developer are the only parties to this Agreement. Nothing contained herein, whether express or implied, is intended to confer, nor shall anything herein confer, upon any person or entity other than the parties hereto and their respective successors or assigns, any rights, remedies, obligations, or liabilities whatsoever.

7.3 Default.

7.3.1 A party shall be deemed in default under this Agreement (which shall be deemed a breach hereunder) if such party fails to materially perform, observe, or comply with any of its covenants, agreements, or obligations hereunder or breaches or violates any of its representations contained in this Agreement.

7.3.2 Before any failure of any party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the reasonable satisfaction of the complaining party within 30 days of the receipt of such notice (5 days in the case of a monetary default), subject, however, in the case of a non-monetary default, to the terms and provisions of Section 7.3(c). Upon a breach of this Agreement, the non-defaulting party in State District Court in Brazoria County, Texas, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained. Except as otherwise set forth herein, no action taken by a party pursuant to the provisions of this Section or pursuant to the provisions of any other Section of this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in this Agreement shall be cumulative and non-exclusive of any other remedy either set forth herein or available to any Party at law or in equity. Each of the Parties shall have the affirmative obligation to mitigate its damages in the event of a default by the other Party. Notwithstanding anything contained herein to the contrary, the Developer shall not be required to construct any portion of the Project or advance any funds therefor while the City is in default under this Agreement.

7.3.3 Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending or threatened litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions such as, by way of illustration and not limitation, severe rain storms or tornadoes, labor action, strikes or similar acts) the time for such

performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing “force majeure” events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven days after the claiming Party becomes aware of the same, and if the claiming Party fails to so notify the other Party of the occurrence of a “force majeure” event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section.

7.3.4 In the event of a material breach by the City under this Agreement which continues for ninety (90) days after written notice to the City and the City’s failure to cure or diligently proceed to cure such breach to the Developer’s reasonable satisfaction, the Developer shall have the right (but not the obligation), in its sole discretion, to exercise its rights hereunder, with regard to mandamus, specific performance or mandatory permanent injunction to require the defaulting Party to do so; provided, however, that such action shall not have the effect of creating any obligation not payable solely from the Public Improvement District Fund as provided in this Agreement.

7.4 Notices. Any notice sent under this Agreement (except as otherwise expressly required) shall be written and mailed, or sent by rapid transmission confirmed by mailing written confirmation at substantially the same time as such rapid transmission, or personally delivered to an officer of the receiving party at the following addresses:

To the City: City of Alvin
 Attn: City Manager
 City Hall
 216 West Sealy Street
 Alvin, Texas 77511

To the Developer: Binnacle Development LLC
 Attn: Jerry LeBlanc
 5051 Westheimer, Suite 1200
 Houston, Texas 77056

With a Copy to: Timothy G. Green
 Coats Rose, P.C.
 9 Greenway Plaza, Suite 1000
 Houston, Texas 77046

Each party may change its address by written notice in accordance with this Section. Any communication addressed and mailed in accordance with this Section shall be deemed to be given when so mailed, any notice so sent by rapid transmission shall be deemed to be given when receipt of such transmission is acknowledged, and any communication so delivered in person shall be deemed to be given when receipted for by, or actually received by, an authorized officer of the City or Developer, as the case may be.

7.5 Amendments and Waivers. Any provision of this Agreement may be amended or waived if such amendment or waiver is in writing and is signed by the City and the Developer. No course of dealing on the part of the City or the Developer nor any failure or delay by the City or the Developer with respect to exercising any right, power, or privilege pursuant to the Agreement shall operate as a waiver thereof, except as otherwise provided in this Section.

7.6 Invalidity. In the event that any of the provisions contained in this Agreement shall be held unenforceable in any respect, such unenforceability shall not affect any other provisions of this Agreement.

7.7 Successors and Assigns. No party to this Agreement shall have the right to assign its rights under this Agreement or any interest herein, without the prior written consent of the other party, except that the Developer may without consent of the City assign: (a) the right to receive payments from the Public Improvement District Fund or Grant Payments as well as its responsibilities hereunder, to any entity related to the Developer or which acquires all or part of the Developer's assets, and (b) the right to receive payments from the Public Improvement District Fund or Grant Payments to any party making a loan to Developer for development of the Property. For those assignments where consent of the City is required, the City is allowed forty-five (45) days from the date it is notified in writing by the Developer of a proposed transfer (accompanied with sufficient materials to allow the City a basis for consenting to the proposed transfer) to consent thereto or to reasonably determine that such proposed transferee does not then have or cannot acquire in the reasonably near future, the financial ability to perform the obligations of the Developer under this Agreement.

7.8 Exhibits, Titles of Articles, Sections and Subsections. Any exhibits attached to this Agreement are incorporated herein and shall be considered a part of this Agreement for the purposes stated herein, except that in the event of any conflict between any of the provisions of such exhibits and the provisions of this Agreement, the provisions of this Agreement shall prevail. All titles or headings are only for the convenience of the parties and shall not be construed to have any effect or meaning as to the agreement between the parties hereto. Any reference herein to a Section or Subsection shall be considered a reference to such Section or Subsection of this Agreement unless otherwise stated. Any reference herein to an exhibit shall be considered a reference to the applicable exhibit attached hereto unless otherwise stated.

7.9 Applicable Law. This Agreement is a contract made under and shall be construed in accordance with and governed by the laws of the United States of America and the State of Texas, as such laws are now in effect. The Parties acknowledge that this Agreement is performable in Brazoria County, Texas and hereby submit to the jurisdiction of the state courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.

7.10 Entire Agreement. THIS WRITTEN AGREEMENT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES REGARDING THE DISTRICT.

7.11 Term. This Agreement shall terminate on the earlier of: (i) December 31, 2052, or (ii) three (3) years after the City Council levies the final Assessment for the District; provided, however, that the City's obligations to collect Assessments and reimburse the Developer with monies from the Public Improvement District Fund pursuant to this Agreement shall survive termination.

7.12 Approval by the Parties. Whenever this Agreement requires or permits approval or consent to be hereafter given by any of the parties, the parties agree that such approval or consent shall not be unreasonably withheld or delayed.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the ____ day of April, 2022.

THE CITY OF ALVIN, TEXAS

Paul Horn, Mayor

ATTEST:

Dixie Roberts, City Secretary

BINNACLE DEVELOPMENT, LLC

A Texas limited liability company

By: _____

Name: _____

Title: _____

Exhibit "A"

Metes and Bounds Description

Being a 31.446 acre tract of land out of the B.B.B & C. Railroad Company Survey, Abstract No. 159, situated in Brazoria County, Texas, said tract being more particularly described as follows:

BEGINNING at a fence post found at the Southeast corner of Lot 14, of DEZSO ADDITION, a subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 6, Page 53 in the Office of the County Clerk of Brazoria County, Texas, said point also being the Southwest corner of a 2.07 acre tract of land conveyed to William and Colleen Buel in deed recorded in Brazoria County Clerk's File No. 2008005052, from which a found 1/2 inch rod bears South 59°57'58" East, a distance of 1.70 feet;

THENCE North 86°22'06" East along the Southerly line of said Buel tract, a distance of 128.00 feet to a 1/2 inch rod set at the Southeast corner of said Buel tract, said point also being the Southwest corner of a 0.87 acre tract of land conveyed to Ramos, LLC. in deed recorded in Brazoria County Clerk's File No. 2008052274;

THENCE North 85°58'27" East along the Southerly line of said Ramos tract, a distance of 89.39 feet to a 60d nail set in the Westerly line of a 0.2296 acre tract of land conveyed to Howard and Vickie Weaver in deed recorded in Brazoria County Clerk's File No. 1995-004989;

THENCE South 10°56'51" West along Westerly line of said Weaver tract, a distance of 68.47 feet to a 1 inch pipe found at the Southwest corner of said Weaver tract;

THENCE North 73°53'07" East along the Southerly line of said Weaver tract, a distance of 167.98 feet to a 1 inch pipe found at the Southeast corner of said Weaver tract, said point also being the Northwest corner of a 2.00 acre tract of land conveyed to Alvin Independent School District (Alvin ISD) in deed recorded in Brazoria County Clerk's File No. 2014032049;

THENCE South 08°25'04" East along the Westerly line of said Alvin ISD tract, a distance of 114.83 feet to a 1/2 inch rod set at the Southwest corner of said Alvin ISD tract;

THENCE North 84°57'39" East along the Southerly line of said Alvin ISD tract, a distance of 743.89 feet to a 1/2 inch rod set in the approximate centerline of Old Mustang Slough;

THENCE along the approximate centerline of said Old Mustang Slough the following courses and distances:

South 11°49'52" East, a distance of 77.90 feet to a point for corner, and a set 1/2 inch rod;
South 18°59'28" West, a distance of 640.20 feet to a point for corner, and a set 1/2 inch rod;
South 30°46'43" West, a distance of 49.49 feet to a point for corner, and a set 1/2 inch rod;
South 50°41'43" West, a distance of 244.00 feet to a point for corner, and a found 1/2 inch rod;
South 41°08'43" West, a distance of 241.45 feet to a point for corner, and a set 1/2 inch rod;
South 39°57'33" West, a distance of 231.95 feet to a point for corner, and a set 1/2 inch rod;
South 49°12'28" West, a distance of 344.95 feet to a point for corner, and a set 1/2 inch rod;

South 44°00'15" West, a distance of 25.65 feet to a point for corner lying parallel to the high bank of Mustang Bayou, and a set 1/2 inch rod;

THENCE North 11°03'30" West along the high bank of said Mustang Bayou, a distance of 160.54 feet to a point for corner, and a set 1/2 inch rod;

THENCE North 22°26'30" West continuing along the high bank of said Mustang Bayou, a distance of 1,458.38 feet to a 1/2 inch rod set in the Southerly line of said DEZSO ADDITION;

THENCE North 86°22'06" East along the Southerly line of said DEZSO ADDITION, a distance of 490.63 feet to the POINT OF BEGINNING of the herein described tract.

Exhibit "B" Utility Layout and Complete Land Plan

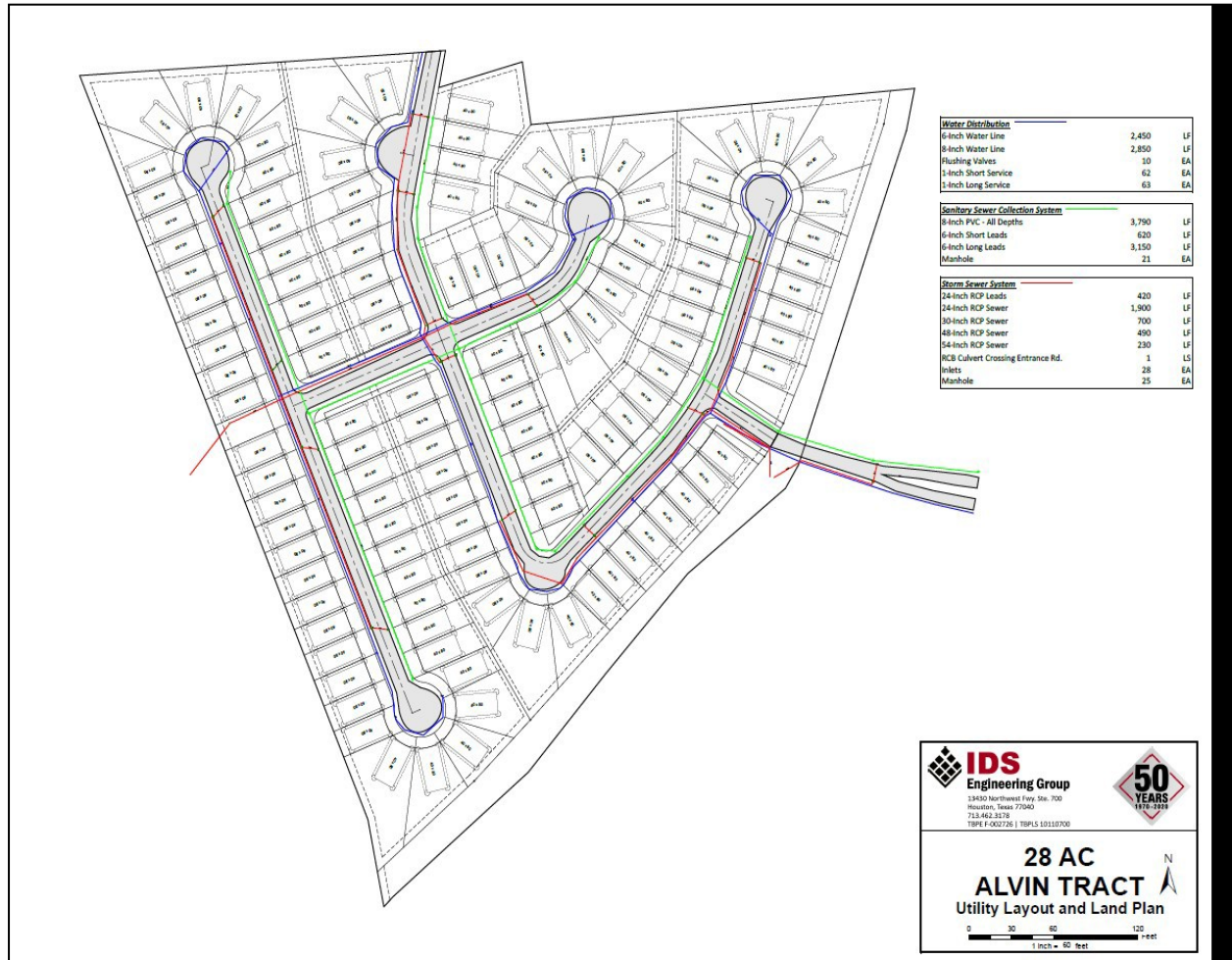


Exhibit “C”

Tovrea Road Improvements, Pedestrian Bridge, and Sidewalk Improvements and Budgets

Tovrea Road Improvements

Improve the existing asphalt pavement with roadside ditch to a 28-foot-wide concrete curb and gutter street with storm sewer.

Pedestrian Bridge

Construct an 8-foot-wide pedestrian bridge across Mustang Bayou

(Oversized) Sidewalk Improvements

Construction of 4-foot-wide concrete sidewalks along both sides of Tovrea Road

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP MEETING
THURSDAY, MARCH 4, 2021
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 6:06 P.M. in the Council Chambers at Alvin City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Joel Castro; Councilmembers: Gabe Adame, Adam Arendell, Glenn Starkey, Keith Thompson, and Martin Vela. Staff member present: Junru Roland, City Manager, Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Larry Buehler, Director of Economic Development; and Michelle Segovia, City Engineer.

WORKSHOP ITEMS:

Discuss the Bayou Point Development

Developers for this project presented information before City Council on the proposed Bayou Point Development project off of SH35 Bypass. Said development will include patio, zero lot line homes with 45-50 foot front width, and home values ranging from \$275,000-325,000. Phase I of this project will include floodplain mitigation, connection to SH35, entry monument and landscaping, and utilities and pavement to serve Section 1. Phase 2 will include a pedestrian bridge over Mustang Bayou, and utilities and pavement to serve Section 2. Phase 3 will include a connection to Tovrea Road, connection to Hasse Elementary, and utilities and pavement to serve Section 3. This development will include hike and bike trail connectivity.

Traffic Impact Analysis along SH35 includes median modification for a left turn lane from SH35, right turn deceleration lane from SH35, and a boulevard entrance from SH35 35 with monument. Due to the Traffic Impact Analysis along Tovrea Road, the City has requested the Developer improve the existing asphalt pavement with roadside ditch to a 28-foot wide concrete curb and gutter street with storm sewer and sidewalks.

ADJOURNMENT

Mayor Horn adjourned the meeting at 6:34 p.m.

PASSED and APPROVED the 18th day of March 2021.



Paul A. Horn, Mayor

ATTEST: 
Dixie Roberts, City Secretary

Mustang Point

City of Alvin Planning Commission Meeting

September 15, 2020

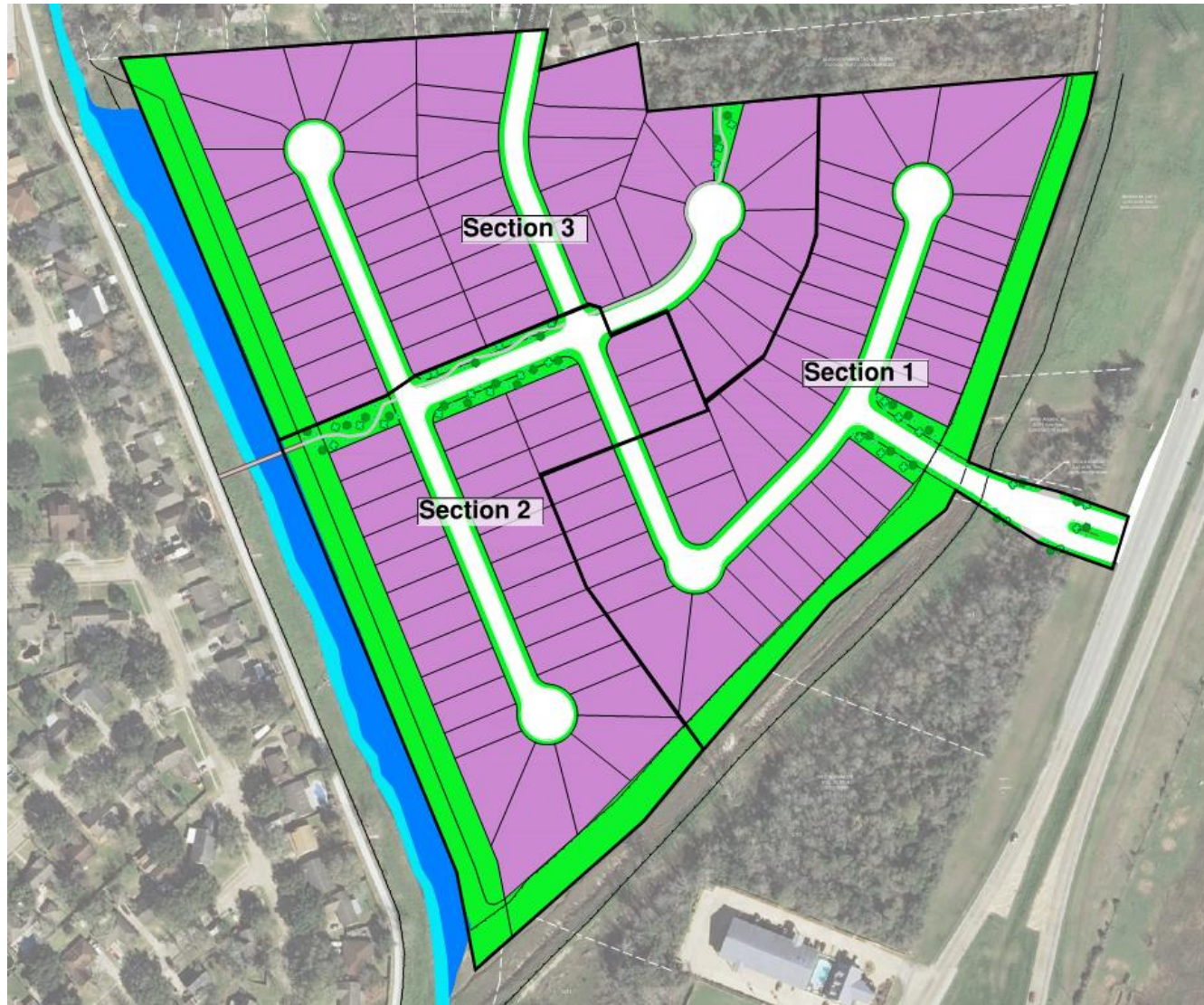


Introduction – Binnacle Development

- Founded in 2014
- Current Projects
 - Bayou Maison (Dickinson, Texas)
 - Costal Point (Texas City, Texas)
 - Central Park (Texas City, Texas)
 - Herons Landing (Texas City, Texas)
 - Lone Trail Village (Texas City, Texas)
 - Marlow Lake (Texas City, Texas)
- Past Projects
 - Hidden Lakes (League City, Texas)
- Future Projects
 - Brookwater (Texas City, Texas)
 - Padgett Tract (Texas City, Texas)



Development Layout Map

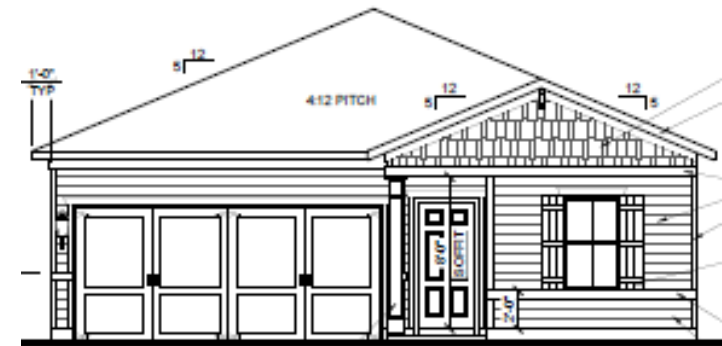
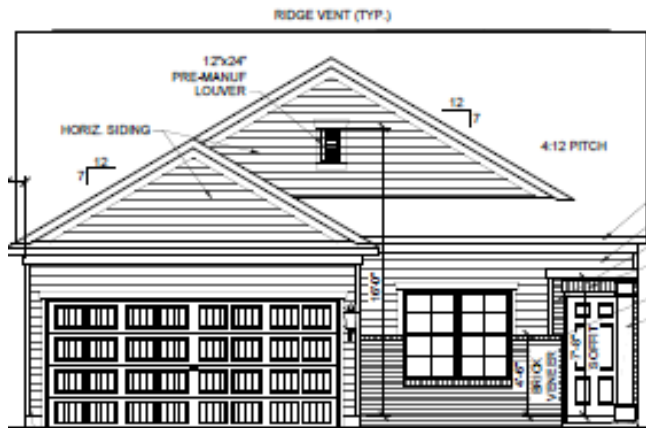
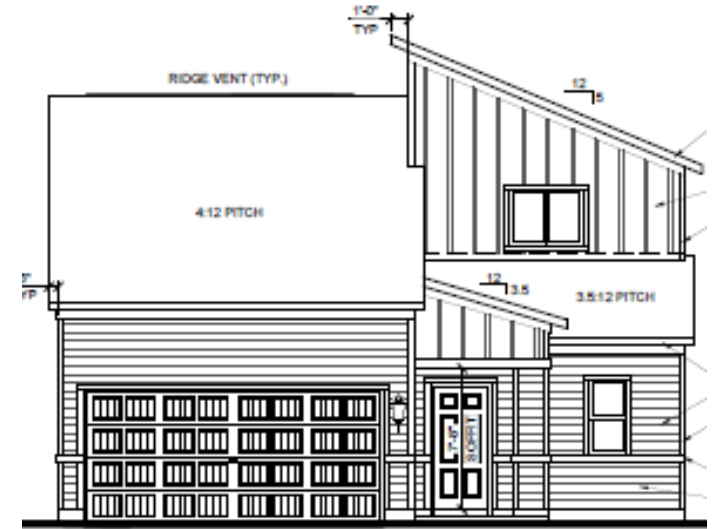
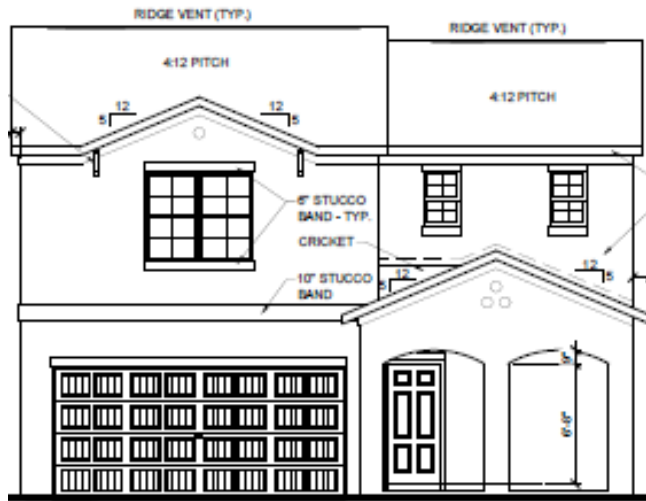


Lots

- Patio Home Lots (Ch. 23.5, Article 3)
- Zero Lot Line
- Size: 45 and 50-Foot Front Width
- Home Values Range: \$275,000 - \$325,000



Example Front Elevations



Proposed Development Phasing

Phase 1

- Floodplain Mitigation
- Connection to State Highway 35
- Entry Monument and Landscaping
- Utilities and Pavement to serve Section 1

Phase 2

- Pedestrian Bridge
- Utilities and Pavement to serve Section 2

Phase 3

- Connection to Tovrea Road
- Connection to Hasse Elementary
- Utilities and Pavement to serve Section 3

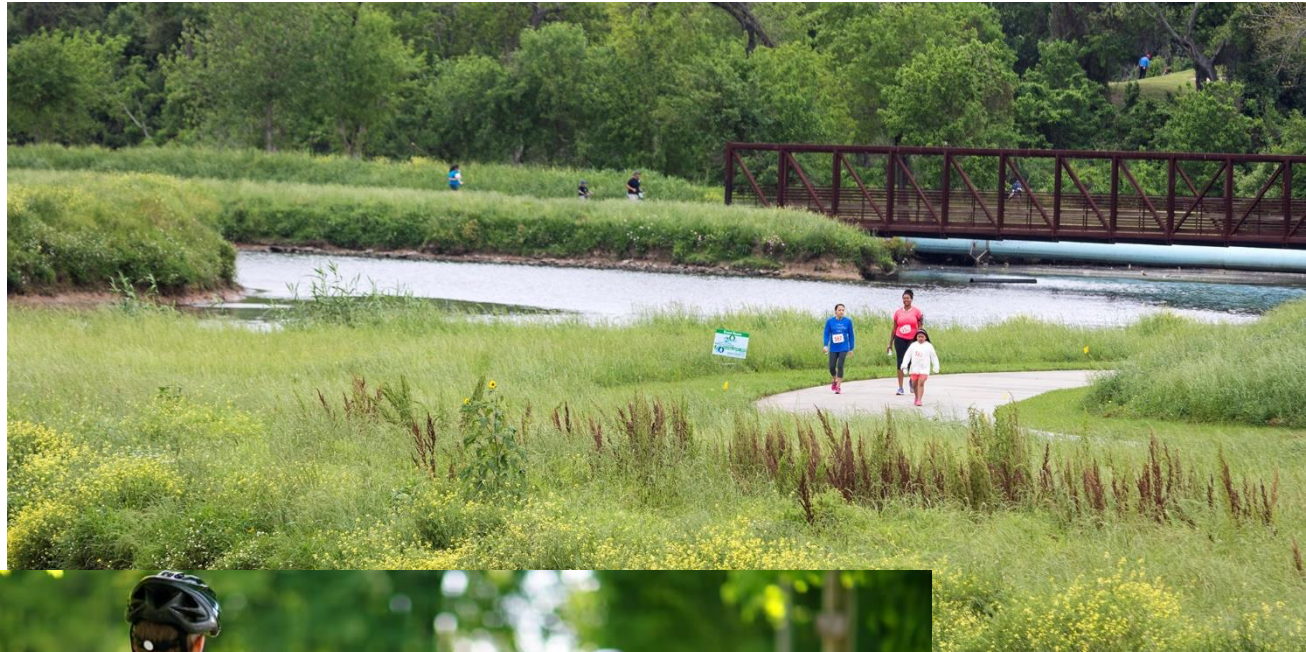
Entry Monument Examples



Pedestrian Bridge Across Mustang Bayou



Hike and Bike Trail Connectivity



Proposed Connection to Hasse Elementary



Traffic Impact Analysis – State Highway 35

- Median Modification for Left Turn Lane from State Highway 35
- Right Turn Deceleration Lane from State Highway 35
- Boulevard Entrance from State Highway 35 with Monument



EXISTING



PROPOSED

Traffic Impact Analysis – Tovrea Road

- The City of Alvin has requested the developer improve the existing asphalt pavement with roadside ditch to a 28-foot wide concrete curb and gutter street with storm sewer and sidewalks



EXISTING



PROPOSED

Parkland Dedication



- **Engineering, Land Planning and Hydraulic Analysis** – IDS Engineering Group
- **Geotechnical** - Terracon
- **Traffic** – Traffic Engineers
- **Economic Study** – Meyers MetroStudy
- **Landscaping Design** – Terralab Landscape Architects
- **Environmental** – DCH Environmental Consultants
- **PID Consultant** – Hawes Hill & Associates

Consultants

Terracon



Meyers
RESEARCH





AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: City Manager

Contact: Junru Roland, City Manager

Agenda Item: Consider a Development Agreement with Brazoria County, Texas, and SMJJ, LLC for Shadow Pond Phase 2, 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: SMJJ, LLC, the Developer, owns a 125.33 tract in the City's ETJ, located on the northwest corner of the intersection of County Road 326 and County Road 160.

On December 2, 2021, the City approved the Plat for Shadow Pond Phase 2. However, pursuant to the requirements of the City's Subdivision Ordinance, the Plat is not allowed to be filed with the Brazoria County Clerk until the construction of all public infrastructure is complete, inspected, and accepted by Brazoria County.

The Developer requested a variance from Brazoria County in accordance with the criteria established in the Brazoria County Subdivision Regulations pertaining to the road construction and bond requirement to both the City of Alvin and Brazoria County, Texas, and the Brazoria County Commissioner's Court granted the Developer's variance request on March 22, 2022.

With this Agreement, the City is conditionally approving the filing of Shadow Pond Phase 2 Plat upon the County Engineering Department providing to the City Engineering Department proof that the Developer has complied with the Brazoria County Construction and Performance Bond requirements set forth in the Brazoria County Subdivision Regulations. The County Engineer must provide to the City Engineer all documentation from the Developer establishing that all requirements have been met.

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

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

Legal Review Required: N/A ☐ Required ☒ **Date Completed:** _____

Supporting documents attached:

- Development Agreement

Recommendation: Move to approve the Development Agreement with Brazoria County, Texas, and SMJJ, LLC for Shadow Pond Phase 2, and authorize the City Manager to sign the Agreement upon legal review.

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

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

**DEVELOPMENT AGREEMENT
FOR SMJJ, LLC SHADOW POND
PHASE TWO DEVELOPMENT**

This Development Agreement for the SMJJ, LLC Shadow Pond Phase Two Development (the "Agreement") is made and entered into, effective as of the _____ day of _____, 2022 (the "Effective Date"), by and between the City of Alvin, Texas, a Texas home rule municipal corporation located in Brazoria County, Texas (the "City"), Brazoria County, Texas, acting through its Commissioners Court ("the "County"), and SMJJ, LLC, a Texas limited liability company (the "Developer"). The City, County and the Developer are sometimes referred to herein as the "Parties."

WHEREAS, the Developer owns a certain 125.33 tract (the "Property") located in Brazoria County, Texas, being more particularly described below and in Exhibit "A" attached hereto and incorporated herein for all purposes. The Property is located in the extraterritorial jurisdiction of the City, and is more particularly described as:

Shadow Pond Phase 2 being 125.33 acres located in the B.B.B.&C.R.R. Co. Survey, Abstract 161, R.L. Weir Survey, Abstract 391 and H.T.&B.R.R. Co. Survey Section 11, Abstract 224, Brazoria County, Texas.

WHEREAS, SMJJ, LLC has platted Shadow Pond Phase 2 pursuant to the City of Alvin Regulations and has received approval for the Plat; and

WHEREAS, pursuant to City of Alvin Regulations, the Plat is not permitted to be filed with the Brazoria County Clerk until all the public infrastructure is complete and accepted by Brazoria County and/or City of Alvin; and

WHEREAS, the Developer requested a variance in accordance with the criteria established in the Brazoria County Subdivision Regulations pertaining to the road construction and bond requirement to both the City of Alvin and Brazoria County, Texas; and

WHEREAS, Brazoria County Commissioners Court granted the Developer's variance request on March 22, 2022.

NOW THEREFORE, the City of Alvin, Brazoria County, and the Developer enter into this Agreement to allow the Shadow Pond Phase 2 Plat to be filed **before** the public infrastructure is completed and accepted.

The Parties agree to the following conditions and exceptions in this Agreement:

The City of Alvin conditionally approves the filing of Shadow Pond Phase 2 Plat.

SMJJ, LLC must provide Brazoria County a performance bond or a letter of credit in the amount equal to the actual cost of constructing all streets, roads, drainage requirements and any other improvements for the Shadow Pond Phase 2 Subdivision.

SMJJ, LLC must comply with all other requirements of Brazoria County Subdivision Regulations pertaining to the construction of the public infrastructure; and

Brazoria County will provide to the City of Alvin documentation demonstrating that SMJJ, LLC has complied with all County Subdivision Regulations pertaining to the construction bond procedures; and

The Brazoria County Engineering Department will coordinate with the City of Alvin Engineering Department to ensure all documentation is completed and all requirements for the recording of the Plat are met.

The Parties further mutually agree that this Agreement shall be in full force and effect from the Effective Date hereof, provided that the City may terminate this Agreement if Developer fails to comply with this Agreement or fails to meet any deadlines imposed by this Agreement or the City's ordinances, subject to the cure rights provided to Developer herein.

Any notice to be given hereunder by any party to another party shall be in writing and may be effected by personal delivery or by sending said notices by registered or certified mail, return receipt requested, to the address set forth below. Notice shall be deemed given when deposited with the United States Postal Service with sufficient postage affixed.

Any notice mailed to the City shall be addressed:

City of Alvin
Attn: City Manager
216 West Sealy
Alvin, Texas 77511

Any notice mailed to the Developer shall be addressed:

SMJJ, LLC
Attn: _____
20 Loggerhead
Hitchcock, Texas 77563

Any notice mailed to the County of Brazoria shall be addressed:

County Engineer
Brazoria County, Texas
111 East Locust Street
Angleton, Texas 77515

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this section.

The Parties acknowledge the mutual promises and obligations of the Parties expressed herein are good, valuable and sufficient consideration for this Agreement.

This Agreement, together with any exhibits attached hereto, constitutes the entire agreement between Parties and may not be amended except by a writing approved by the City Council of the City that is signed by all Parties and dated subsequent to the date hereof.

The terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. The City, its past, present and future officers, elected officials, employees and agents, do not assume any responsibilities or liabilities to any third party in connection with the development of the Property. The City enters into this Agreement in the exercise of its public duties and authority to provide for development of property within the City pursuant to its police powers and for the benefit and protection of the public health, safety, and welfare.

This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a party, unless expressly provided otherwise herein, or in a written instrument executed by both the City and the third party. Absent a written agreement between the City and third party providing otherwise, if a default occurs with respect to an obligation of the City under this Agreement, any notice of default or action seeking a remedy for such default must be made by the Owner.

The Effective Date of this Agreement is the defined date set forth in the first paragraph.

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Brazoria County, Texas. Venue shall lie exclusively in Brazoria County, Texas.

This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns.

If any provision of this Agreement shall be held as a matter of law to be unenforceable, such unenforceability shall not affect the enforceability of the remainder of this Agreement.

The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the organization for which such signatory has executed this Agreement.

This Agreement may be executed in multiple counterparts, and each such counterpart shall be deemed and original and all such counterparts shall be deemed one and the same instrument.

To the extent this Agreement constitute a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, Developer represents that Developer nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of Developer is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.153 of the Texas Government Code.

It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

[signature pages follow]

EXECUTED in multiple originals this the _____ day of _____, 2022.

SMJJ, LLC

CITY OF ALVIN, TEXAS

By: _____

By: _____

Junru Roland, City Manager

Name: _____

Title: _____

ATTEST/SEAL

ATTEST/SEAL

By: _____

By: _____

Name:

Dixie Roberts, City Secretary

Title:

BRAZORIA COUNTY, TEXAS

APPROVED AS TO FORM:

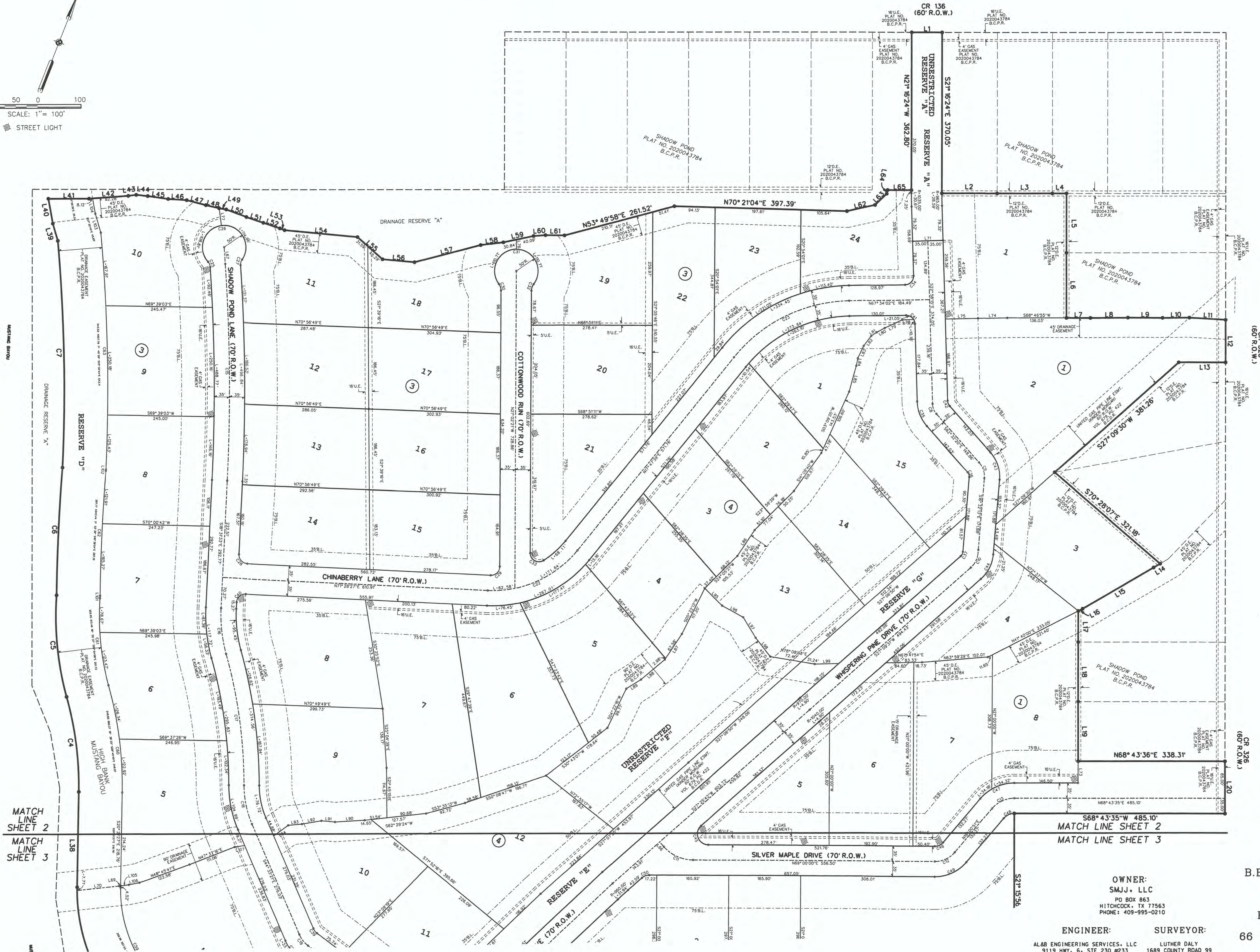
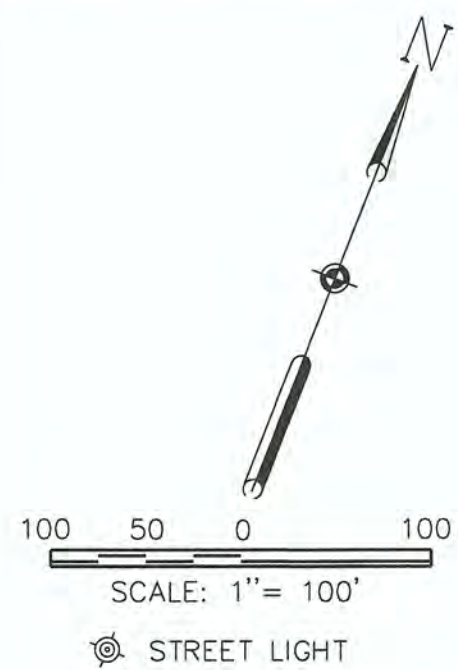
By: _____

L. M. "Matt" Sebesta, Jr.
County Judge

By: _____

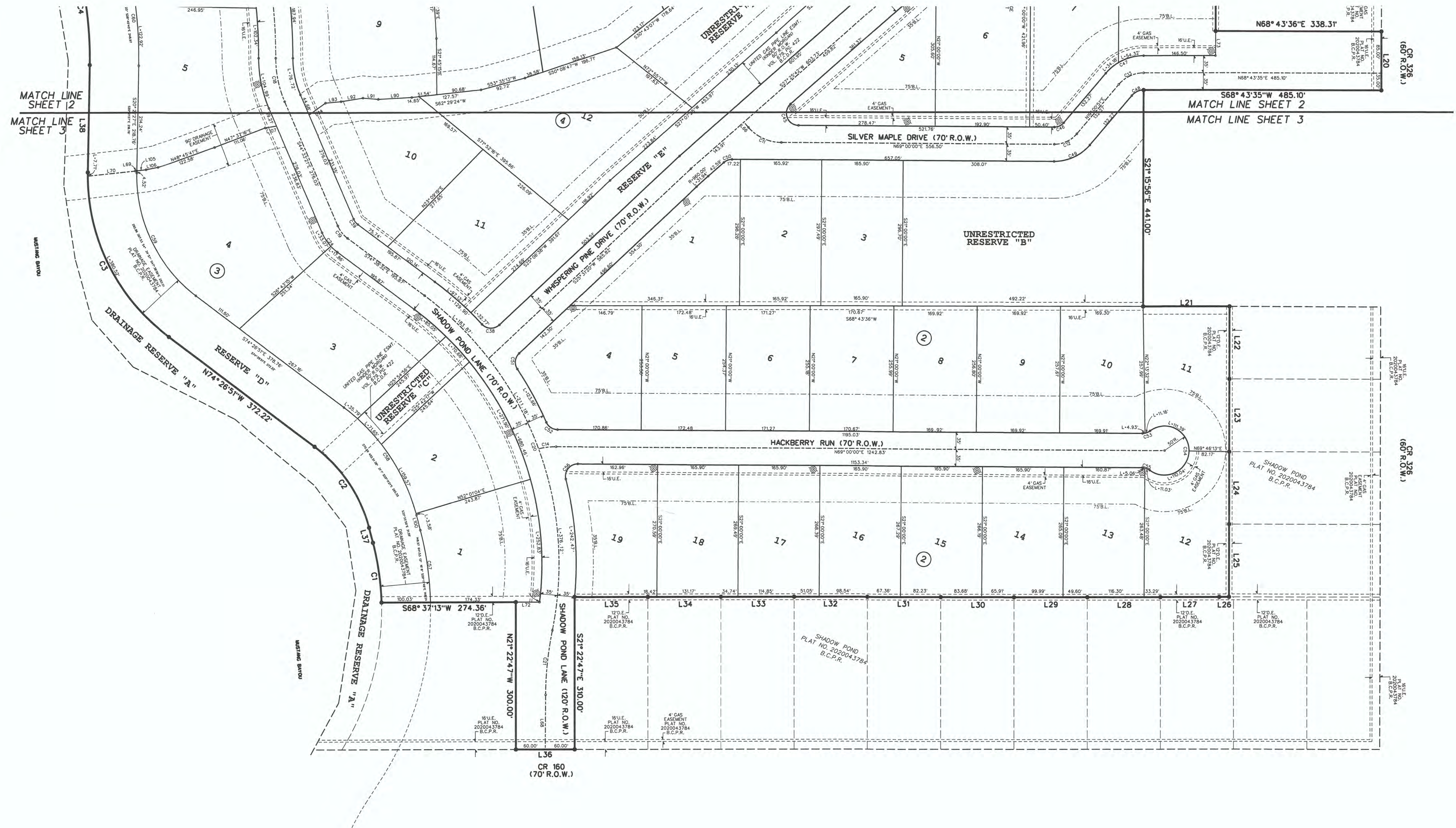
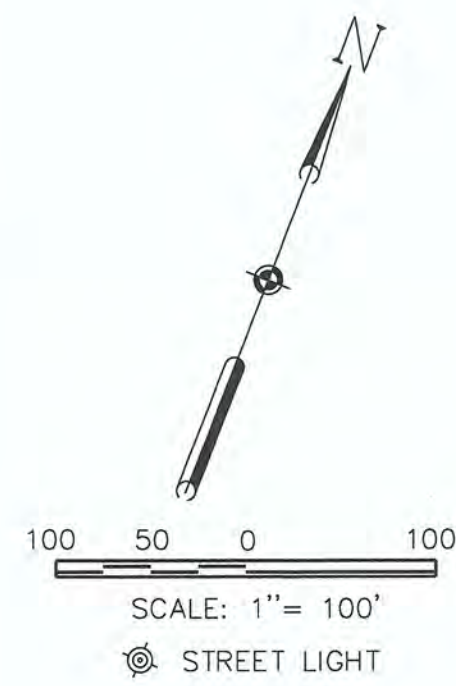
Suzanne L. Hanneman
City Attorney

EXHIBIT A
Property Description



FINAL PLAT OF
SHADOW POND
PHASE 2
BEING 125.33 ACRES
LOCATED IN THE
B.B.B.&C.R.R. CO. SURVEY, A-161
R.L. WEIR SURVEY, A-391
H.T.&B.R.R. CO. SURVEY
SECTION 11, A-224
BRAZORIA COUNTY, TEXAS
66 LOTS: 4 BLOCK: 7 RESERVES
NOVEMBER 10, 2021

OWNER:
SMJJ, LLC
PO BOX 863
HITCHCOCK, TX 77563
PHONE: 409-995-0210
ENGINEER:
ALB ENGINEERING SERVICES, LLC
9119 HWY. 6, STE 230 #233
MISSOURI CITY, TEXAS 77459
PHONE: (979)264-3510
SURVEYOR:
LUTHER DALY
1689 COUNTY ROAD 99
ALVIN, TEXAS 77511
PHONE: 832-876-0984



FINAL PLAT OF
SHADOW POND
PHASE 2
BEING 125.33 ACRES
LOCATED IN THE
B.B.B.&C.R.R. CO. SURVEY, A-161
R.L. WEIR SURVEY, A-391
H.T.&B.R.R. CO. SURVEY
SECTION 11, A-224
BRAZORIA COUNTY, TEXAS

66 LOTS: 4 BLOCK: 7 RESERVES

NOVEMBER 10, 2021

ENGINEER:
A&B ENGINEERING SERVICES, LLC
9119 HWY. 6, STE 230 #233
MISSOURI CITY, TEXAS 77459
PHONE: (979) 264-3510

OWNER:
SMJJ, LLC
PO BOX 863
HITCHCOCK, TX 77563
PHONE: 409-995-0210

SURVEYOR:
LUTHER DALY
1689 COUNTY ROAD 99
ALVIN, TEXAS 77511
PHONE: 832-876-0984



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a change order to Harper Brothers Construction, LLC., for the 54-Inch Eastside Interceptor Project to line the wet well of the Wastewater Treatment Plant lift station in an amount not to exceed \$499,530; and authorize the City Manager to sign the change order upon legal review.

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

Summary: On December 17, 2020, City Council awarded a bid in the amount of \$16,044,021.84 to Harper Brothers Construction, LLC. for the construction of the 54-Inch Eastside Interceptor Project and approved the issuance of 2019 and 2020 Revenue Bonds to fund the project. Below is the breakdown of the bid award:

Engineer's Project Estimate: \$16,798,645

Contract Amount:	\$ 15,280,020.80	(Base Bid and Alternate Bid Items)
5% Contingency:	\$ 764,001.04	
Total Amount:	\$ 16,044,021.84	

The 54-Inch Eastside Interceptor Project currently under construction is based on recommendations in the 2015 Utility Master Plan by Freese and Nichols, Inc. that was approved by City Council on March 3, 2016, and consists of the installation of approximately 16,400 linear feet of 54-inch sanitary sewer trunk main line from Bypass 35 to the existing Wastewater Treatment Facility Plant. This new line replaces the existing fifty plus year old 27-inch and 33-inch sanitary sewer trunk main lines and adds needed capacity to the system. The alternate bid items allow for consolidation of a lift station, include additional pavement replacement along the pipe alignment, and include additional sanitary sewer rehab adjacent to the new line.

In April 2021, as part of the Wastewater Treatment Plant Facility Plan, Freese and Nichols notified City Staff of the deterioration along the interior walls of the wastewater treatment plant lift station wet well. The deterioration consists of exposed concrete aggregate and steel rebar reinforcement along the top of the wet well walls. As a result, Freese & Nichols recommends: the rehabilitation of the Lift Station wet well by repairing the areas of exposed aggregate/rebar and applying an epoxy liner (\$275,750) and 60 days of bypass pumping with pump watch (\$223,780) to divert flow while the lift station is being repaired. The cost of this additional work will come from a combination of cost savings in the project and the 5% contingency.

The work under this change order is scheduled to start in May/June 2022 and has a construction time of 60 calendar days.

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

Funding Account: Fund 238 **Amount:** \$499,530 **1295 Form Required?** Yes ☒ No ☐

Legal Review Required: N/A ☐ Required ☒ **Date Completed:** 4/4/22 SLH

Supporting documents attached:

- Change Order Proposal from Harper Brothers Construction, LLC.
-

Recommendation: Move to approve a change order from Harper Brothers Construction, LLC., for the 54-Ince Eastside Interceptor Project to line the wet well of the Wastewater Treatment Plant lift station in an amount not to exceed \$499,530; and authorize the City Manager to sign the change order upon legal review.

Reviewed by Department Head, if applicable ☒

Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☒

Reviewed by City Manager ☒

March 24, 2022

City of Alvin
c/o Freese and Nichols, Inc.
11200 Broadway Street, Suite 2320
Pearland, Texas 77584

Attention: Mr. Jared Barber, P.E.
Project Manager

Reference: City of Alvin
54" Eastside Interceptor
Project No. B-21-03
ACC No. 236-6003-00-9077
Correspondence letter No.: 21
Subject: CO Proposal - rehab wet well (revised 03.24.22)

Dear Sir:

After discussions with City of Alvin this morning, we have enclosed revised CO proposal to
recondition wet well on the referenced project. Proposed pricing is summarized as follows:

• Lift Station wet well rehab	\$ 275,750.00
• <u>Bypass W/pump watch (60 day duration – TGrey estimated duration)</u>	<u>\$ 223,780.00</u>
Total Lift Station wet well rehab (base – adds below if required)	\$ 499,530.00

If required:

○ Replacement of deteriorated or missing rebar	\$ 60.60/LF
○ Additional thickness over 2-inches	\$ 54.50/CF
○ Bypass pumping w/pump watch over sixty (60) days	\$ 4,235.00/day

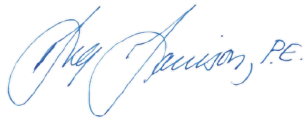
Scope includes:

- ****Removal of wet well pumps, and floats by others**. Please note TGrey confirmed rails can remain if needed**.**
- Full rehabilitation of 16'x26'x30' wet well structure including all walls, ceiling, and floor
- Cleaning and pressure washing of substrate per manufactures recommendations
- Vacuum cleaning and sludge removal of water, grit, and semi-solid waste from bottom
- Installation of structural build-back of 2-inches of Reliner MSP© microsilica cement
- Installation of corrosion protection coating of 125 mils Raven 405© 100% solids epoxy

- Sandblasting, priming, and painting 16" and 24" of DIP piping inside Wet-Well at 40 mils Raven 405C

Due to volatility of market, pricing valid for acceptance by April 8, 2022. If proposal is accepted we request twenty (20) contract day extension. Should you have questions or need additional information please contact me at (713) 893-4593. Your review and consideration are greatly appreciated.

Sincerely,

A handwritten signature in blue ink, reading "Greg Garrison, P.E." in a cursive style.

Greg Garrison, P.E.
Senior Project manager

CC:File
Attachment



AGENDA COMMENTARY

Meeting Date: 4/7/2022

Department: Police

Contact: Robert E. Lee, Chief

Agenda Item: Consider Ordinance 22-FF, amending Chapter 23, Taxicabs, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. License to Operate Taxicab Permit, and Article III. Driver's Permit; providing for penalties; providing for severability; and setting forth other provision related thereto.

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

Summary: This Ordinance is amending Chapter 23, Taxicabs, of the City of Alvin Code of Ordinances. At the February 3, 2022, City Council meeting a public hearing was called for an application received by a local vendor wanting to conduct taxicab services within the City of Alvin, as required by current ordinance. During this discussion members of City Council asked that staff review this ordinance and amend as necessary so that potential taxi service providers would not have to come before City Council for a public hearing and final authorization to operate a taxi service within the City. With the current use of rideshare companies during this time, this Chapter seems to be a bit antiquated. However, chapter 215 of the Texas Local Government Code requires that local governments regulate taxi services within the city. This is a general cleanup of the ordinance to reflect current practice.

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:** 3/31/2022 SLH

Supporting documents attached:

- Ordinance 22-FF; redlined
- Ordinance 22-FF; final

Recommendation: Move to approve Ordinance 22-FF, amending Chapter 23, Taxicabs, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I. In General, Article II. License to Operate Taxicab Permit, and Article III. Driver's Permit; providing for penalties; providing for severability; and setting forth other provision 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 NO. 22-FF

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 23, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. LICENSE TO OPERATE TAXICAB PERMIT, AND ARTICLE III. DRIVER'S PERMIT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 23, Taxicabs, of the Code of Ordinances, City of Alvin, Texas is hereby amended with the language as follows:

CHAPTER 23, TAXICABS

ARTICLE I. IN GENERAL

...

Sec. 23-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth below:

~~*Call box stand:* A public place alongside a street or other location where the city council has authorized a licensee to install a telephone call box for the taking of calls and the dispatching of taxicabs.~~

Licensee: A person, as defined in this section, to whom a taxicab license has been issued by the eCity-council.

Manifest: A daily record prepared by a taxicab company showing all trips made by each taxicab and the time and place of origin, destination and number of passengers.

Person: Includes an individual, corporation, partnership, association or any other legal entity howsoever designated.

Street: Any public street, road, boulevard, alley, lane, highway, sidewalk, park, roadway, railroad station or other place under the control of the city or other public authority.

Taxicab: With the exceptions listed herein, every automobile or motor-propelled vehicle used for the transportation of passengers for hire over the public streets of the city, whether such vehicle is identified or not as a taxicab as set forth herein and whether or not the operation extends beyond the city limits. The term "taxicab" shall not apply to limousines, school buses, emergency vehicles or sightseeing autos or buses that operate under a permit, franchise or license issued and regulated by the city, limousines which are chartered, hired or provided in connection with funeral services and ~~automobiles~~automobiles, or motor-propelled vehicles solely used to transport students for hire to and from school and school-related extracurricular activities.

Taxicab license: An authority duly granted by the ~~eCity council~~ and shall be based upon the findings of public convenience and necessity.

Taxicab permit: The taxicab ~~driver's~~drivers permit issued pursuant to the requirements of article III of this chapter.

~~*Taxicab stand:* A public place alongside the curb or curbline of a street or other location in the city which has been designated by the city council as reserved exclusively, by proper markings, for the use of taxicabs. This term shall also apply to taxicab stands located on private property.~~

...

Sec. 23-3. Taxicab license required.

It shall be unlawful for any person to conduct a taxicab business within the city or to operate or drive or permit the operation of any taxicab owned by him unless a license therefor shall first have been obtained from the ~~eCity council~~ for the current year in accordance with this chapter.

Sec. 23-4. To be operated by licensee or his employee.

No taxicab for which a license has been issued under this chapter shall be operated by anyone except the licensee thereof, an employee of the licensee or a taxicab driver who may be operating such vehicle under a written agreement with the licensee for use of a taxicab, which agreement specifically incorporates therein such rules, regulations and conditions as may be required by the ~~eCity council~~. The operator of a taxicab licensed under this chapter shall be duly permitted pursuant to the terms of article III of this chapter. The licensee shall be responsible for anyone operating under his license whether that person be an employee or another person operating under such written agreement. Any person driving or operating a taxicab upon the streets or other public property of the city shall be presumed to be an employee of the licensee or to have entered into such written agreement with the licensee.

Sec. 23-5. Inspection.

Every taxicab for which a license has been issued under this chapter shall be inspected by the ~~pPolice~~ ~~eChief~~ of the city or his/her ~~representative designee~~ at least once a year ~~or at any other time deemed advisable by city council~~. The licensee shall at all times be responsible for maintaining each taxicab in good mechanical condition and with full operational equipment.

Sec. 23-6. Identification of vehicles.

No licensee shall drive or cause to be driven or operate or cause to be operated a taxicab in the city unless such taxicab shall have ~~painted~~ affixed on at least one door on each side thereof the telephone number and the name of the owner and/or operator of the taxicab, or the ~~fictitious~~ name under which the owner and/or operator operates, or the name of the corporation owning the taxicab, together with the taxicab number. The number of the taxicab and the telephone number shall also be ~~painted~~ affixed upon ~~the rear of~~ each taxicab. ~~At the option of city council, numbers assigned to taxicabs by other cities may be accepted in lieu of numbers assigned by the city. All the lettering required by the terms of this section shall be not less than two and one half (2½) inches in height and not less than five sixteenths (5/16) inches stroke.~~

Sec. 23-7. Maximum working hours for drivers.

No person shall operate or drive any taxicab for more than twelve (12) hours in any 24-hour period.

Sec. 23-8. Drivers to use direct route.

Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.

~~Sec. 23-9. Passenger's right of exclusive occupancy.~~

~~When a taxicab is engaged, the passenger shall have the exclusive right to the full and free use of the passenger compartment and it shall be unlawful for the taxicab driver or licensee to solicit or carry additional passengers therein, except with the consent of the passenger who engaged the taxicab originally. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination and then only for the additional distance so traveled.~~

~~Sec. 23-10. Meter required.~~

~~No taxicab shall be operated in the city unless it is equipped with a meter in good condition to record the amount to be charged on each trip, which amount shall be shown by figures visible to the passenger. No taxicab driver shall carry a passenger unless the meter is in the recording position. All charges and collections for hire shall be based upon the meter reading.~~

~~Sec. 23-11. Posting of taxicab rates.~~

~~There shall be posted in a conspicuous place on the inside of each taxicab a card showing the rates charged for use of the taxicab. It shall be the duty of the driver of the taxicab to so post such card. If any owner, licensee or driver of any taxicab shall refuse to convey a passenger at the rate specified on the rate card so displayed, he shall be deemed guilty of a misdemeanor.~~

~~Sec. 23-12. Receipt for payment.~~

~~Every taxicab driver, upon receiving payment for a fare and upon request of the passenger, shall give a receipt to the passenger showing the amount so paid, the name of the company or person operating the taxicab and the vehicle number of the taxicab.~~

Sec. 23-139. Failure to pay.

It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from which it is hired shall be guilty of a misdemeanor.

~~Sec. 23-14. Records to be kept by licensee.~~

- ~~(a) Each licensee shall maintain its record including the manifests specified below, in accordance with the guidelines designated by city council or its designated representative. All such records shall be kept current, shall be retained for a period of two (2) years and must be made available for inspection by designated city personnel during business hours.~~
- ~~(b) Each licensee shall keep complete records of all physical properties used and useful in recording taxicab service in the city, showing date of purchase, purchase price, terms of payments, and to the extent to which such property has been depreciated, by principal items of property. Such property records shall be kept in accordance with sound accounting principals and shall be kept up to date at all times and available for inspection during business hours by designated city personnel.~~
- ~~(c) Each licensee shall maintain a daily manifest in accordance with the provisions of this chapter.~~

~~Sec. 23-15. Solicitation, acceptance and discharge of passengers.~~

- ~~(a) *Solicitation of passengers by driver.* No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that when necessary, a driver may be absent from his taxicab for not more than fifteen (15) consecutive minutes; and provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.~~
- ~~(b) *Receipt and discharge of passengers on sidewalk only.* Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up as nearly as possible to the right-hand sidewalk or, in the absence of a sidewalk, to the extreme right hand side of the road and there receive or discharge passengers. Upon one-way streets passengers may be discharged at either the right or left hand sidewalk or side of the roadway in the absence of a sidewalk.~~
- ~~(c) *Restriction on number of passengers.* The number of passengers in a taxicab shall be limited to the number of safety belts originally installed in the vehicle by the manufacturer of the vehicle and available for use according to the manufacturer's instructions.~~
- ~~(d) *Refusal to carry orderly passengers prohibited.* No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.~~
- ~~(e) *Prohibition of drivers.* It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another.~~

~~Sec. 23-16. Taxicab stands; establishment, use.~~

- ~~(a) *Establishment.* The city council of the city is hereby authorized and empowered to establish taxicab stands in such place or places upon the streets of the city as it deems necessary for the use of taxicabs operated in the city. In establishing a taxicab stand, the council shall consider the need for such stands by the companies and the convenience to the general public. The council shall prescribe the number of cabs that shall occupy such taxicab stands. The council~~

~~shall not create a taxicab stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.~~

- ~~(b) Use. Taxicab stands shall be used by the different drivers on a first come, first served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five (5) feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the cab of his choice that is parked at taxicab stands.~~

~~Sec. 23-17. Call box stands; establishment, use.~~

- ~~(a) Generally. The city council is hereby authorized and empowered to establish call box stands upon the streets of Alvin, in such places as in its discretion it deems proper. A licensee desiring to establish a call box stand shall make written application to the city secretary accompanied by a fee as set forth in chapter 28 of this Code. The applicant must attach to the application the written approval of the abutting property owners of such space, consenting to the creation of such stand. Upon filing of the application the police department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation with the city manager. The city council shall then either grant or refuse the application. When a call box stand has been established as herein provided, it shall be used solely by the licensee to whom the same was granted and his agents and servants and no other licensee shall be permitted to use the same. The call box stand fee for each calendar year thereafter shall be as set forth in chapter 28 of this Code.~~
- ~~(b) Use of starter. A licensee operating a call box stand as provided for in this chapter shall be allowed to have a starter or other employee on duty at such stand for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand. It shall be unlawful for any such starter or other employee to go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding such cabs.~~

~~Sec. 23-18. Use of stands by other vehicles.~~

~~Private or other vehicles for hire shall not at any time occupy the spaces upon the streets that have been established as either taxicab stands or call box stands.~~

Sec. 23-109. Child passenger safety seat systems.

Each taxicab shall be equipped with a child passenger safety seat system as defined in ~~V.T.C.A., Health and Safety Code ch. 45~~ [Section 545.412 Transportation Code](#), as the same may be hereafter amended. When not in use, however, the child passenger safety seat system may be stored in the trunk of the taxicab.

Sec. 23-120. Penalty.

Any violation of the terms of this chapter, whether herein denominated as unlawful or not, shall be deemed a misdemeanor and any person convicted of any such violation shall be punished by a fine prescribed by section 1-5.

Secs. 23-121—23-26. Reserved.

ARTICLE II. LICENSE TO OPERATE

Sec. 23-27. Application.

Every person desiring a license, or a renewal of the license, required by this chapter shall file with the eCity sSecretary a written application on forms to be furnished by the city, signed and sworn to by such applicant or a duly authorized officer or agent of the applicant, stating:

- (1) The name and address of the applicant, and if an individual or partnership, the age and occupation of the applicant or applicants, and if a corporation, the name and addresses of the president and secretary thereof.
- (2) A description of the equipment and the number of taxicabs to be used under the license, including the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (3) The location from which each such taxicab is to be dispatched or remain while not in active service.
- ~~(4) The experience of the applicant in the transportation of passengers for hire.~~
- (45) A schedule showing the make, model, type, license plate number and ownership of the vehicles that will be put into operation.

Each such application shall have attached thereto ~~financial information showing the assets and liabilities of the applicant (including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments),~~ a certificate of inspection covering the taxicab(s) to be operated under the license duly issued by the eChief of pPolice of the eCity and copies of all contracts between the licensee and any person or entity intending to operate a taxicab within the eCity. At the option of the applicant, separate documents may be attached to the application which set forth facts the applicant believes tend to prove that public convenience and necessity require the granting of the license.

Sec. 23-28. Insurance required of applicant.

- (a) Before any license shall be issued under this chapter or renewal of such license shall be granted, the applicant shall file with the eCity sSecretary and thereafter keep in full force and effect a policy of public liability and property damage insurance covering all licensed taxicabs of the insured issued by a stock insurance company duly authorized to do business in the State of Texas and performable in Brazoria County, Texas, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle. The policy of insurance shall provide no less than the minimum coverage required by the state, including the minimum coverage required to "show proof of financial responsibility," as that term is defined in the Texas Motor Vehicle Safety Responsibility Act ~~V.T.C.A.,~~ (Transportation Code ch. 601) as now in force or hereafter amended. ~~The policy must contain a provision or endorsement requiring that the city be given thirty (30) days' notice before the policy can be cancelled for any cause.~~
- (b) In lieu of the policy of liability insurance prescribed by subsection (a), the applicant may file with the eCity sSecretary a certificate showing the applicant has qualified as a self-insurer, as that term is defined in the Texas Motor Vehicle Safety Responsibility Act ~~V.T.C.A.,~~ (Transportation Code ch. 601) as now in force or hereafter amended.

- (c) The ~~city council's appointee~~~~designee (or Police Chief or his/her designee)~~ shall be the sole judge of the sufficiency of any policy or certificate tendered under this section.

~~Sec. 23-29. Public hearing required for initial application.~~

~~Upon the filing of the initial application for a license, the city manager shall fix a time and place for a public hearing before the city council. Written notice of such hearing shall be given to the applicant and to all persons who hold taxicab licenses. Due notice shall also be given to the general public by publishing notice of such hearing in the official newspaper of the city at least seven (7) days prior to the hearing. Any interested person may file with the city secretary a memorandum in support of or opposition to the issuance of a taxicab license.~~

Sec. 23-~~30~~29. Issuance of taxicab license.

- (a) *Initial application for license to conduct business.* ~~If the city council finds that further taxicab service in the city is required by the public convenience and necessity, that~~ If the application complies with the requirements of this chapter, and ~~that~~ the applicant is fit, willing and able to furnish public transportation and to conform to the provisions of this chapter and applicable federal and state laws, then a certificate shall be issued ~~by the Police Chief or his/her designee~~ stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.

~~In making the above findings, the city council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.~~

- (b) *Application for renewal of license.* A renewal of an existing license may be granted by the ~~city council~~~~Police Chief or his/her designee~~ ~~without need for a public hearing or the findings specified in subsection (a).~~ ~~upon provision of~~ However, an updated application for license ~~shall be required~~ in addition to compliance with the provisions of this chapter.

Sec. 23-~~30~~31. License fee.

- (a) The annual fee for each license issued pursuant to this chapter shall be as set forth in chapter 28 of this Code.
- (b) The license shall be valid for the ~~fiscal~~ year issued and shall terminate ~~December 31~~ ~~September 30th~~ of each year. The fees set forth in ~~e~~Chapter 28 of this Code shall be paid upon the issuance of the initial license and annually thereafter in advance on or before ~~the fifteenth day of December 31~~ ~~September 30th~~ of the year preceding the year for which the renewal is sought. The license fee shall be pro-rated for the remaining portion of the year of first issuance.

Sec. 23-~~31~~32. Denial of license.

An application for a license may be denied if the licensee makes a false or fraudulent representation in the application or the licensee or any one of the officers of the licensee (if a corporation or association) or any one of the partners (if a partnership) has been convicted of any of the ~~designated~~ offenses set forth in section 23-50 within the seven-year period immediately preceding the date of the filing of the application. Additionally, a license may be revoked or refused for renewal, as applicable, if the licensee is convicted of any offense involving fraud, theft or

forgery subsequent to the city's approval of the license. A denial, revocation or refusal to renew a license shall be subject to the hearing provisions set forth in section 23-~~35~~47 hereof.

Sec. 23-~~32~~33. Expiration.

All licenses issued under this article shall expire at 12:00 midnight on ~~December thirty-first~~September 30th ~~next~~ following the issuance thereof.

Sec. 23-~~33~~34. Transfer.

No licensee shall transfer, rent, lease, loan or assign a license issued pursuant to the terms of this article to any other person or allow its use by any other person or entity.

Sec. 23-~~34~~35. Cancellation.

Any license granted under this article shall be subject to cancellation or revocation and all rights of the licensee may be forfeited at the will of the eCity council for failure of the licensee or its employees or drivers to observe any ordinance of the city, for the violation of any law of the State of Texas reasonably related to the safe operation of taxicabs in the city, or for the failure of the licensee to secure and file the certificate required by section 23-28. Additionally, any license may be cancelled or revoked by the eCity council if the licensee or any one of its officers (if a corporation or association) or any partner (if a partnership) has been convicted of any one of the designated offenses set forth in section 23-50 since the filing of the application. ~~Before cancelling any such license, the council shall hold a public hearing, written notice of which shall be given to the licensee at least seven (7) days in advance of such hearing. If the cancellation is based on a criminal conviction, the notice shall inform the licensee of the following matters:~~

~~(1) — That the city has information that the licensee or any one of its officers or partners, whichever is applicable, has been convicted of certain offenses, and a list of the specific offenses for which the city has such information.~~

~~(2) — That the city is seeking to revoke or suspend the license on the grounds of a criminal conviction or convictions.~~

~~(3) — The specific conviction or convictions upon which the city intends to rely in seeking revocation or suspension of the license.~~

~~(4) — That a hearing will be held on the city's request for revocation or suspension of the license and the date, time and place of the hearing.~~

~~(5) — That the licensee, officer(s) or partner(s) may appear at the hearing, give testimony and examine witnesses.~~

~~(6) — That the licensee shall have the burden to present evidence concerning each of the matters set out in Vernon's Ann. Civ. St. art. 6252-13c, § 4(e).~~

Secs. 23-~~35~~36—23-40. Reserved.

ARTICLE III. TAXICAB DRIVER'S PERMIT

Sec. 23-41. Required.

It shall be unlawful for any person to drive a taxicab unless he/she has a taxicab driver's permit issued by the city. It shall likewise be unlawful for any person to permit any taxicab owned by him/her to be driven by any person who does not have such a permit.

Sec. 23-42. Application generally.

Every person who desires a permit to drive a taxicab shall file with the ~~e~~Chief of ~~p~~Police of the city a written application, signed and sworn to by the applicant, giving the following information:

- (1) The applicant's full name, residence, ~~place of residence for five (5) years previous to moving to his/her present address, age, race, height, weight, color of eyes and hair, place of birth and length of time he/she has resided in the city;~~
- (2) Whether the applicant is a citizen of the United States, ~~and his record of employment for the past five (5) years,~~ social security number ~~and marital status;~~
- (3) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, the nature of the offense and the date and place of such conviction;
- (4) Whether the applicant now stands charged with the commission of a felony or misdemeanor;
- (5) Whether the applicant has previously been licensed as a taxicab driver;
- ~~(6) The amount of experience the applicant has had in the operation of public automobiles;~~
- ~~(67)~~ Whether the applicant has ever been denied a taxicab permit or had one revoked or suspended;
- ~~(78)~~ Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver's license or a Class "C" driver's license revoked;
- ~~(98)~~ The taxicab firm for which the applicant intends to work;
- ~~(10) Whether the applicant is addicted to the use of intoxicating liquors, morphine, cocaine or any other kind of drugs calculated to affect the mental or physical condition of the applicant; and~~
- ~~(11) Any other relevant information that may be requested by the city council, the chief of police or other designated representative of the city.~~

Sec. 23-43. Applicant to furnish ~~character references and photographs, and to be fingerprinted.~~

Each applicant for a permit under this article must provide with list on his/her application, ~~as character references, at least two (2) reputable citizens residing in Brazoria County and attach to the application~~ two (2) recent true photographs of himself not less than three (3) inches by five (5) inches in size. ~~Each applicant shall submit himself/herself to be fingerprinted at the police department of the city.~~

Sec. 23-44. Qualifications of applicant.

Each applicant for a permit must:

- (1) Have a valid driver's license for the class of vehicle to be permitted.
- (2) Be eighteen (18) years of age or older.
- (3) Be a person of good moral character.
- (4) Be able to read and write the English language.

- (5) ~~Submit to medical examination by a licensed physician and submit the report of the physician, which must be signed by the physician.~~
- (6) Complete a form entitled "Request for Information from Texas Driver Licensing Records" as part of his application and shall pay the required fee therefor and submit such application to the Texas Department of Public Safety with a notation that the information is to be mailed to the ~~p~~Police ~~e~~Chief of the city. A taxicab driver's permit issued in advance of such request shall be subject to revocation in the event of the failure of the applicant to make such request and shall similarly be subject to revocation if the information received from the Texas Department of Public Safety discloses that the applicant's record disqualifies him/her from receiving a taxicab driver's permit.
- (7) Submit an affidavit stating that he/she is a citizen of the United States of America by birth or naturalization, or if an alien, that the applicant is legally residing in the United States of America and that he/she has a legal right to engage in such employment.

Sec. 23-45. State license required.

It shall be unlawful for any person to drive a taxicab within the city unless he/she is duly licensed by the state for the appropriate class of license needed to operate the vehicle they are driving to drive a taxicab, having this license on his/her person at all times while operating a taxicab. No permit to drive a taxicab shall be issued in the absence of such a driver's license.

Sec. 23-46. Fee.

The annual fee for a permit required by this article shall be as set forth in chapter 28 of this Code.

Sec. 23-47. Denial of a permit application.

An application for a permit under this article may be denied if the applicant fails to comply with any requirement of this article. In addition, such application may be denied if the applicant has been convicted of any ~~of the designated~~ offenses set forth in section 23-50(a)(1) through (8) hereof within the seven-year period immediately preceding the date of the filing of the application or convicted of three (3) or more moving violations of the laws of this state within the year immediately preceding the date of filing the application for the permit. A denial of a permit shall be subject to ~~the hearing provisions set forth in section 23-35 of this chapter~~ an appeal before the City Council.

Sec. 23-48. Issuance.

If the application of any person for a taxicab driver's permit shall be granted, the ~~p~~Police ~~d~~Department shall issue such permit to the applicant upon the payment of the prescribed fee to the ~~e~~City Secretary.

Sec. 23-49. Expiration and renewal.

Each permit issued under this article shall expire on the ~~thirty first day of December~~ 30th day of September following its issuance and shall be renewed annually by making application to the ~~e~~City upon forms provided by the ~~e~~City for that purpose thirty (30) days prior to the date of expiration of the permit and by paying the fee prescribed in ~~section 23-44~~ chapter 28.

Sec. 23-50. Cancellation.

- (a) Any permit granted under this article shall be subject to cancellation by the ~~eCity council~~ upon a finding that the permittee has been convicted of a felony or an offense involving driving while intoxicated or the possession of drug paraphernalia ~~any one of the following offenses since the issuance of the permit:~~
- ~~(1) Any offense involving fraud or theft;~~
 - ~~(2) Any offense involving forgery;~~
 - ~~(3) Any offense involving unauthorized use of a motor vehicle;~~
 - ~~(4) Any violation of state or federal laws regulating firearms;~~
 - ~~(5) Any offense involving violence to any person except for conduct which is classified as no greater than a Class C misdemeanor under the laws of Texas;~~
 - ~~(6) Any offense involving prostitution or the promotion of prostitution;~~
 - ~~(7) Any offense involving rape, sexual abuse, sexual assault, rape of a child, sexual abuse of a child or indecency with a child;~~
 - ~~(8) Any offense involving the use of or sale of drugs, including the offense of driving while intoxicated or driving under the influence of drugs.~~
 - ~~(9) Any offense involving the possession or use of narcotic paraphernalia.~~
- (b) In addition, a permit shall be subject to cancellation by ~~city council~~ the City upon a finding that the permittee has been convicted of three (3) or more moving violations of the traffic laws of this state or any other state if such violation occurred within the year immediately preceding the notice of the eCity's council's ~~intent to revoke or cancel the permit.~~
- ~~(c) Prior to revoking or cancelling a permit the city shall comply with the notice and hearing provisions set forth in section 23-35.~~

Sec. 23-51. Appearance.

- ~~(a) *Generally.* It shall be the duty of every taxicab driver to be hygienically clean, well-groomed, neat and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody.~~
- ~~(b) *Hair.* Male drivers shall be clean shaven and hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times in order not to present a ragged appearance.~~
- ~~(c) *Suitable dress for males.* The term "suitably dressed" shall be interpreted to mean the driver, if male, shall wear trousers, a shirt with collar, with or without a tie, shoes and, if desired, appropriate outer garments.~~
- ~~(d) *Suitable dress for females.* The term "suitably dressed" shall be interpreted to mean the driver, if female, shall wear skirts, trousers, slacks, a shirt with collars or a blouse, shoes and, if desired, appropriate outer garments.~~
- ~~(e) *Unappropriate clothing.* Clothing that is not considered appropriate and is not permitted when the driver, male or female, is in charge of a licensed taxicab includes T-shirts, underwear,~~

~~tank tops, body shirts, swim wear, jogging suits or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing) or sandals.~~

Sec. 23-~~51~~52. Display of permit.

Every driver shall post his/her city taxicab permit above the state motor vehicle inspection sticker in the lower left hand (driver's side) portion of the windshield of the taxicab.

Section 2. That except as amended herein all other provisions of Chapter 23 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____

By: _____

Paul A. Horn, Mayor

Dixie Roberts, City Secretary

ORDINANCE NO. 22-FF

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 23, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. LICENSE TO OPERATE TAXICAB PERMIT, AND ARTICLE III. DRIVER'S PERMIT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

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

Section 1. That Chapter 23, Taxicabs, of the Code of Ordinances, City of Alvin, Texas is hereby amended with the language as follows:

CHAPTER 23, TAXICABS

ARTICLE I. IN GENERAL

...

Sec. 23-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth below:

Licensee: A person, as defined in this section, to whom a taxicab license has been issued by the City.

Manifest: A daily record prepared by a taxicab company showing all trips made by each taxicab and the time and place of origin, destination and number of passengers.

Person: Includes an individual, corporation, partnership, association or any other legal entity howsoever designated.

Street: Any public street, road, boulevard, alley, lane, highway, sidewalk, park, roadway, railroad station or other place under the control of the city or other public authority.

Taxicab: With the exceptions listed herein, every automobile or motor-propelled vehicle used for the transportation of passengers for hire over the public streets of the city, whether such vehicle is identified or not as a taxicab as set forth herein and whether or not the operation extends beyond the city limits. The term "taxicab" shall not apply to limousines, school buses, emergency vehicles or sightseeing autos or buses that operate under a permit, franchise or license issued and regulated by the city, limousines which are chartered, hired or provided in connection with funeral services and automobiles, or motor-propelled vehicles solely used to transport students for hire to and from school and school-related extracurricular activities.

Taxicab license: An authority duly granted by the City and shall be based upon the findings of public convenience and necessity.

Taxicab permit: The taxicab drivers permit issued pursuant to the requirements of article III of this chapter.

...

Sec. 23-3. Taxicab license required.

It shall be unlawful for any person to conduct a taxicab business within the city or to operate or drive or permit the operation of any taxicab owned by him unless a license therefor shall first have been obtained from the City for the current year in accordance with this chapter.

Sec. 23-4. To be operated by licensee or his employee.

No taxicab for which a license has been issued under this chapter shall be operated by anyone except the licensee thereof, an employee of the licensee or a taxicab driver who may be operating such vehicle under a written agreement with the licensee for use of a taxicab, which agreement specifically incorporates therein such rules, regulations and conditions as may be required by the City. The operator of a taxicab licensed under this chapter shall be duly permitted pursuant to the terms of article III of this chapter. The licensee shall be responsible for anyone operating under his license whether that person be an employee or another person operating under such written agreement. Any person driving or operating a taxicab upon the streets or other public property of the city shall be presumed to be an employee of the licensee or to have entered into such written agreement with the licensee.

Sec. 23-5. Inspection.

Every taxicab for which a license has been issued under this chapter shall be inspected by the Police Chief of the city or his/her designee at least once a year. The licensee shall at all times be responsible for maintaining each taxicab in good mechanical condition and with full operational equipment.

Sec. 23-6. Identification of vehicles.

No licensee shall drive or cause to be driven or operate or cause to be operated a taxicab in the city unless such taxicab shall have affixed on at least one door on each side thereof the telephone number and the name of the owner and/or operator of the taxicab, or the name under which the owner and/or operator operates, or the name of the corporation owning the taxicab, together with the taxicab number. The number of the taxicab and the telephone number shall also be affixed upon each taxicab.

Sec. 23-7. Maximum working hours for drivers.

No person shall operate or drive any taxicab for more than twelve (12) hours in any 24-hour period.

Sec. 23-8. Drivers to use direct route.

Any taxicab driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination.

Sec. 23-9. Failure to pay.

It shall be unlawful for any person to refuse to pay the full fare of any taxicab after having hired the same, and any person who shall hire any taxicab with the intent to defraud the person from which it is hired shall be guilty of a misdemeanor.

Sec. 23-10. Child passenger safety seat systems.

Each taxicab shall be equipped with a child passenger safety seat system as defined in Section 545.412 Transportation Code, as the same may be hereafter amended. When not in use, however, the child passenger safety seat system may be stored in the trunk of the taxicab.

Sec. 23-11. Penalty.

Any violation of the terms of this chapter, whether herein denominated as unlawful or not, shall be deemed a misdemeanor and any person convicted of any such violation shall be punished by a fine prescribed by section 1-5.

Secs. 23-12—23-26. Reserved.

ARTICLE II. LICENSE TO OPERATE

Sec. 23-27. Application.

Every person desiring a license, or a renewal of the license, required by this chapter shall file with the City Secretary a written application on forms to be furnished by the city, signed and sworn to by such applicant or a duly authorized officer or agent of the applicant, stating:

- (1) The name and address of the applicant, and if an individual or partnership, the age and occupation of the applicant or applicants, and if a corporation, the name and addresses of the president thereof.
- (2) A description of the equipment and the number of taxicabs to be used under the license, including the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (3) The location from which each such taxicab is to be dispatched or remain while not in active service.
- (4) A schedule showing the make, model, type, license plate number and ownership of the vehicles that will be put into operation.

Each such application shall have attached thereto a certificate of inspection covering the taxicab(s) to be operated under the license duly issued by the Chief of Police of the City and copies of all contracts between the licensee and any person or entity intending to operate a taxicab within the City. At the option of the applicant, separate documents may be attached to the application which

set forth facts the applicant believes tend to prove that public convenience and necessity require the granting of the license.

Sec. 23-28. Insurance required of applicant.

- (a) Before any license shall be issued under this chapter or renewal of such license shall be granted, the applicant shall file with the City Secretary and thereafter keep in full force and effect a policy of public liability and property damage insurance covering all licensed taxicabs of the insured issued by a stock insurance company duly authorized to do business in the State of Texas and performable in Brazoria County, Texas, insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle. The policy of insurance shall provide no less than the minimum coverage required by the state, including the minimum coverage required to "show proof of financial responsibility," as that term is defined in the Texas Motor Vehicle Safety Responsibility Act (Transportation Code ch. 601) as now in force or hereafter amended.
- (b) In lieu of the policy of liability insurance prescribed by subsection (a), the applicant may file with the City Secretary a certificate showing the applicant has qualified as a self-insurer, as that term is defined in the Texas Motor Vehicle Safety Responsibility Act (Transportation Code ch. 601) as now in force or hereafter amended.
- (c) The Police Chief or his/her designee shall be the sole judge of the sufficiency of any policy or certificate tendered under this section.

Sec. 23-29. Issuance of taxicab license.

- (a) *Initial application for license to conduct business.* If the application complies with the requirements of this chapter, and the applicant is fit, willing and able to furnish public transportation and to conform to the provisions of this chapter and applicable federal and state laws, then a certificate shall be issued by the Police Chief or his/her designee stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
- (b) *Application for renewal of license.* A renewal of an existing license may be granted by the Police Chief or his/her designee upon provision of an updated application for license in addition to compliance with the provisions of this chapter.

Sec. 23-30. License fee.

- (a) The annual fee for each license issued pursuant to this chapter shall be as set forth in chapter 28 of this Code.
- (b) The license shall be valid for the fiscal year issued and shall terminate September 30th of each year. The fees set forth in Chapter 28 of this Code shall be paid upon the issuance of the initial license and annually thereafter in advance on or before September 30th of the year preceding the year for which the renewal is sought. The license fee shall be pro-rated for the remaining portion of the year of first issuance.

Sec. 23-31. Denial of license.

An application for a license may be denied if the licensee makes a false or fraudulent representation in the application or the licensee or any one of the officers of the licensee (if a corporation or association) or any one of the partners (if a partnership) has been convicted of any

of the offenses set forth in section 23-50 within the seven-year period immediately preceding the date of the filing of the application. Additionally, a license may be revoked or refused for renewal, as applicable, if the licensee is convicted of any offense involving fraud, theft or forgery subsequent to the city's approval of the license. A denial, revocation or refusal to renew a license shall be subject to the hearing provisions set forth in section 23-47 hereof.

Sec. 23-32. Expiration.

All licenses issued under this article shall expire at 12:00 midnight on September 30th following the issuance thereof.

Sec. 23-33. Transfer.

No licensee shall transfer, rent, lease, loan or assign a license issued pursuant to the terms of this article to any other person or allow its use by any other person or entity.

Sec. 23-34. Cancellation.

Any license granted under this article shall be subject to cancellation or revocation and all rights of the licensee may be forfeited at the will of the City for failure of the licensee or its employees or drivers to observe any ordinance of the city, for the violation of any law of the State of Texas reasonably related to the safe operation of taxicabs in the city, or for the failure of the licensee to secure and file the certificate required by section 23-28. Additionally, any license may be cancelled or revoked by the City if the licensee or any one of its officers (if a corporation or association) or any partner (if a partnership) has been convicted of any one of the designated offenses set forth in section 23-50 since the filing of the application.

Secs. 23-35—23-40. Reserved.

ARTICLE III. TAXICAB DRIVER'S PERMIT

Sec. 23-41. Required.

It shall be unlawful for any person to drive a taxicab unless he/she has a taxicab driver's permit issued by the city. It shall likewise be unlawful for any person to permit any taxicab owned by him/her to be driven by any person who does not have such a permit.

Sec. 23-42. Application generally.

Every person who desires a permit to drive a taxicab shall file with the Chief of Police of the city a written application, signed and sworn to by the applicant, giving the following information:

- (1) The applicant's full name, residence, ,
- (2) Whether the applicant is a citizen of the United States, social security number;
- (3) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, the nature of the offense and the date and place of such conviction;
- (4) Whether the applicant now stands charged with the commission of a felony or misdemeanor;
- (5) Whether the applicant has previously been licensed as a taxicab driver;
- (6) Whether the applicant has ever been denied a taxicab permit or had one revoked or suspended;

- (7) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver's license or a Class "C" driver's license revoked;
- (8) The taxicab firm for which the applicant intends to work;

Sec. 23-43. Applicant to furnish photographs.

Each applicant for a permit under this article must provide with his/her application, two (2) recent true photographs of himself not less than three (3) inches by five (5) inches in size.

Sec. 23-44. Qualifications of applicant.

Each applicant for a permit must:

- (1) Have a valid driver's license for the class of vehicle to be permitted.
- (2) Be eighteen (18) years of age or older.
- (3) Be a person of good moral character.
- (4) Be able to read and write the English language. . (5) Complete a form entitled "Request for Information from Texas Driver Licensing Records" as part of his application and shall pay the required fee therefor and submit such application to the Texas Department of Public Safety with a notation that the information is to be mailed to the Police Chief of the city. A taxicab driver's permit issued in advance of such request shall be subject to revocation in the event of the failure of the applicant to make such request and shall similarly be subject to revocation if the information received from the Texas Department of Public Safety discloses that the applicant's record disqualifies him/her from receiving a taxicab driver's permit.
- (6) Submit an affidavit stating that he/she is a citizen of the United States of America by birth or naturalization, or if an alien, that the applicant is legally residing in the United States of America and that he/she has a legal right to engage in such employment.

Sec. 23-45. State license required.

It shall be unlawful for any person to drive a taxicab within the city unless he/she is duly licensed by the state for the appropriate class of license needed to operate the vehicle they are driving to drive a taxicab, having this license on his/her person at all times while operating a taxicab. No permit to drive a taxicab shall be issued in the absence of such a driver's license.

Sec. 23-46. Fee.

The annual fee for a permit required by this article shall be as set forth in chapter 28 of this Code.

Sec. 23-47. Denial of a permit application.

An application for a permit under this article may be denied if the applicant fails to comply with any requirement of this article. In addition, such application may be denied if the applicant has been convicted of any offenses set forth in section 23-50 hereof within the seven-year period immediately preceding the date of the filing of the application or convicted of three (3) or more moving violations of the laws of this state within the year immediately preceding the date of filing the application for the permit. A denial of a permit shall be subject to an appeal before the City Council.

Sec. 23-48. Issuance.

If the application of any person for a taxicab driver's permit shall be granted, the Police Department shall issue such permit to the applicant upon the payment of the prescribed fee to the City Secretary.

Sec. 23-49. Expiration and renewal.

Each permit issued under this article shall expire on the 30th day of September following its issuance and shall be renewed annually by making application to the City upon forms provided by the City for that purpose thirty (30) days prior to the date of expiration of the permit and by paying the fee prescribed in chapter 28.

Sec. 23-50. Cancellation.

- (a) Any permit granted under this article shall be subject to cancellation by the City upon a finding that the permittee has been convicted of a felony or an offense involving driving while intoxicated or the possession of drug paraphernalia (b) In addition, a permit shall be subject to cancellation by the City upon a finding that the permittee has been convicted of three (3) or more moving violations of the traffic laws of this state or any other state if such violation occurred within the year immediately preceding the notice of the City's intent to revoke or cancel the permit.

Sec. 23-51. Display of permit.

Every driver shall post his/her city taxicab permit above the state motor vehicle inspection sticker in the lower left hand (driver's side) portion of the windshield of the taxicab.

Section 2. That except as amended herein all other provisions of Chapter 23 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons 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 Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 7th day of April 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary