

City of Alvin, Texas

Paul Horn, Mayor

Brad Richards, Mayor Pro-tem, At Large Pos. 1
Chris Sanger, At Large Pos. 2
Scott Reed, District A
Adam Arendell, District B



Keith Thompson, District C
Glenn Starkey, District D
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA

UPDATED

THURSDAY, SEPTEMBER 7, 2017

7:00 P.M.

(Council Chambers)

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

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

NOTICE is hereby given of a Regular Meeting and Executive Session of the City Council of the City of Alvin, Texas, to be held on **Thursday, September 7, 2017** 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. Alvin Animal Adoption Center Update.

B. Hurricane Harvey Review.

4. PUBLIC COMMENT

5. PUBLIC HEARING

A. Public hearing to receive comment on the proposed tax rate of \$0.7880 per \$100 of valuation for the Fiscal Year 2017-2018 (2017 tax year).

B. Public hearing for the disannexation of approximately 76.519 acres of land, more or less, requested by Kevin C. Ford, Sheri P. Ford, Steve Hawkes, Janice Hawkes, Donald E. Ware, Shirley M. Ware, David D. Sanders, and Maxine D. Sanders, located in Brazoria County, Texas, being that part of the city limits abutting County Road 133 a/k/a Moore Road.

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

A. Approve minutes of the August 17, 2017 City Council regular meeting.

7. OTHER BUSINESS:

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

A. Consider amendment to the debris removal services contract with CrowderGulf.
(Emergency Item added on 9/7/17 @ 11:00 a.m. for the continuation of debris pickup from Tropical Storm

Harvey Flooding event that happened during the disaster declaration signed on August 24, 2017. Pickup of saturated debris shall continue uninterrupted, interruption of such could cause possible health related issues).

8. REPORTS FROM CITY MANAGER

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

9. ITEMS OF COMMUNITY INTEREST

Pursuant to 551.0145 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.

10. EXECUTIVE SESSION

- A. **Section 551.074** of the Government Code: Deliberation on the appointment of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. City Attorney

11. RECONVENE TO OPEN SESSION

- A. Consider the appointment of a City Attorney.

12. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code on MONDAY, September 4, 2017 at 3:00 p.m.



(SEAL)


Dixie Roberts, City Secretary

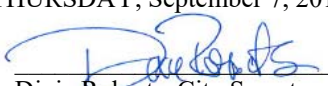
Removal Date: _____

**** 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).**

I hereby certify that a copy of this notice with **EMERGENCY ADDENDUM** 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 THURSDAY, September 7, 2017 at 11:00 a.m.



(SEAL)


Dixie Roberts, City Secretary

Removal Date: _____

**MINUTES
CITY OF ALVIN, TEXAS
CITY PLANNING COMMISSION
July 18, 2017**

BE IT REMEMBERED, that on the above date, the Planning Commission met in the First Floor Conference Room, at Public Services Facility, 1100 West Highway 6, Alvin, Texas, at 6:00 P.M. with the following members present, Chris Hartman, Chair; Charles Buckelew; Martin Vela; Robin Revak-Golden; Sussie Sutton and Jake Starkey. Also present were staff members Michelle Segovia, City Engineer and Shana Church, Administrative Assistant. Absent were Nicole Kelinske, Santos Garza, Randy Reed and Darrell Dailey.

1. Call To Order.

Call to order at 6:00 P.M.

2. Petition and Requests from the Public.

There were no petitions or requests from the public.

3. Nominate and appoint a Vice Chair.

Commission Member Sussie Sutton was nominated by Charles Buckelew for position of Vice Chair. Sussie Sutton was elected unanimously.

4. Approve the Minutes of the Planning Commission meeting of June 27, 2017.

Commission Member Martin Vela motioned to approve the minutes of the regular Planning Commission meeting of June 27, 2017. Seconded by Charles Buckelew, the motion carried on a vote of 6 ayes and 0 nays.

5. Consider a Final Plat of Leal Land Subdivision, a subdivision of 1.0000 acre (2273 County Road 284) in the H.T. & B. RR. Co. Survey, A-474, also being a partial replat of lot 28 of the J.A. Labatt Subdivision, section 18, recorded in volume 6, page 340 of the deed records of Brazoria County, Brazoria County, Texas. City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Sutton, the motion carried on a vote of 6 ayes, 0 nays.

6. Consider a Final Plat of Sunset Ranch Section 1, being a planned unit development, a subdivision of 15.276 acres of land (1185 Heights Rd.), being a replat of lots 22 and 29 of the map of section 23 Hooper and Wade survey volume 49, page 161, B.C.D.R. and volume 1, page 10, B.C.M.R. situated in the Hooper and Wade survey, abstract no. 420, Brazoria County, Texas. City Engineer recommends final plat for discussion and approval. Commission Member Starkey motioned to recommend for approval to City Council. Seconded by Member Vela, the motion carried on a vote of 6 ayes, 0 nays.

7. Consider a Final Plat of Southern Colony Section 3B, being a subdivision of

25.710 acres (located along the east side of FM 521 north of Juliff-Manvel Road) of land situated in the William Hall League, abstract 31, Fort Bend County, Texas, being a replat of lots 18 and 19, T.W. & J.W.B. house subdivision, a subdivision recorded in volume 7, page 301 deed records, of Fort Bend County, Texas; and also being a partial replat of reserve "J" of Southern Colony Section 1, a subdivision recorded in plat no. 20050137, Fort Bend County plat records. City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Buckelew, the motion carried on a vote of 6 ayes, 0 nays.

8. Consider a Final Plat of Tri County Storage, a plat of 9.91 acres (2228 FM 528), being a called 2.004 acre tract, a called 2.169 acre tract, and a called 5.738 acre tract of land, situated in the Hooper and Wade survey, abstract 421, Brazoria County, Texas, located in the City of Alvin. City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Buckelew, the motion carried on a vote of 6 ayes, 0 nays.

9. Consider a Final Plat of Ruben Adame Park, being a replat of block 14 of Morgan's Addition to the City of Alvin according to the plat as recorded in volume 1, page 16, deed records, Brazoria County, Texas, located in the City of Alvin. City Engineer recommends final plat for discussion and approval. Commission Member Starkey motioned to recommend for approval to City Council. Seconded by Member Vela, the motion carried on a vote of 6 ayes, 0 nays.

10. Consider a Final Plat of Talmadge Park, being a replat of block 45 of Easton's Addition to the City of Alvin according to the plat as recorded in volume 32, page 26, deed records, Brazoria County, Texas, located in the City of Alvin. City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Buckelew, the motion carried on a vote of 6 ayes, 0 nays.

11. Consider a Final Plat of Newman Park, being a plat of 4.95 acres, being part of block 85 of Easton's Addition to the City of Alvin, Brazoria County, Texas, and a tract of land out of lot 18 of the subdivision of section 23, Hooper and Wade survey, abstract 420, Brazoria County, Texas, located in the City of Alvin. City Engineer recommends final plat for discussion and approval. Commission Member Starkey motioned to recommend for approval to City Council. Seconded by Member Vela, the motion carried on a vote of 6 ayes, 0 nays.

12. Items of Community Interest.

Martin Vela mentioned TXDOT needs to mow the grass on East Highway 6 and First National Bank needs to be painted.

13. Staff report and update.

Michelle Segovia, City Engineer stated she found out from TXDOT the substantial completion date for the Highway 6 median project in its entirety is October 2017.

Proposed FY18 budget is presented to council at the next council meeting.

14. Items for the next meeting.

Michelle Segovia, City Engineer stated the Planning Commission may see the final plat of Stonewall Subdivision, plat for the 23 acres at the south-east corner of Hwy 6 and the Bypass (between Raceway and UTMB), and more plats for the City of Alvin parks.

15. Adjournment.

Commission Member Buckelew motioned to adjourn the meeting, seconded by Member Vela. The motion carried on a vote of 6 ayes. The meeting ended at 6:41 p.m.

City of Alvin
City Council Meeting



Public Comment Card

(Please Print Clearly)

NAME (required):

Shary Horn

RESIDENT AND/OR BUSINESS OWNER IN THE CITY OF ALVIN

☒ YES ☐ NO

PHONE #: 281-728-6951

EMAIL: sharyhorn@outlook.com

I wish to speak on the following:

Flooding in Skyranch Drive

Time is limited to three (3) minutes per person.

Please place this card at the City Clerk's place on the dais in the City Council Chamber prior to the beginning of the meeting.

City of Alvin
City Council Meeting



Public Comment Card

(Please Print Clearly)

NAME (required):

CHAS GORMLEY

RESIDENT AND/OR BUSINESS OWNER IN THE CITY OF ALVIN

☒ YES

☐ NO

PHONE #:

281.331.0883

EMAIL:

cgormley@comcast.net

I wish to speak on the following:

CITY'S RESPONSE TO STORM

Time is limited to three (3) minutes per person.

Please place this card at the City Clerk's place on the dais in the City Council Chamber prior to the beginning of the meeting.

City of Alvin
City Council Meeting



Public Comment Card

(Please Print Clearly)

NAME (required):

Ashley Davis

RESIDENT AND/OR BUSINESS OWNER IN THE CITY OF ALVIN

☒

YES

☐

NO

PHONE #: 832-868-1478

EMAIL: ashleyandavis13@gmail.com

I wish to speak on the following:

Hurricane Harvey preparedness

- shelter

- info out to community

Time is limited to three (3) minutes per person.

Please place this card at the City Clerk's place on the dais in the City Council Chamber prior to the beginning of the meeting.

City of Alvin
City Council Meeting



Public Comment Card

(Please Print Clearly)

NAME (required):

Helen Blankenburg

RESIDENT AND/OR BUSINESS OWNER IN THE CITY OF ALVIN

☒ YES

☐ NO

PHONE #: 281-331-3065

EMAIL: _____

I wish to speak on the following:

The ^{wrong} approval of lights & cross walk
on Stadium Dr.

Representing the Lance & Bea Elliot
home lawn "Giasco"

I have seen the High School Superintendent (Rep.)
about this also.

Time is limited to three (3) minutes per person.

Please place this card at the City Clerk's place on the dais in the City Council Chamber prior to the beginning of the meeting.

City of Alvin
City Council Meeting



Public Comment Card

(Please Print Clearly)

NAME (required):

Harrison Gormly

RESIDENT AND/OR BUSINESS OWNER IN THE CITY OF ALVIN



YES



NO

PHONE #: _____

EMAIL: _____

I wish to speak on the following:

Troop 400 Flag Retirement
ceremony

Time is limited to three (3) minutes per person.

Please place this card at the City Clerk's place on the dais in the City Council Chamber prior to the beginning of the meeting.

Shary Horn
Skyranch Subdivision
Hurricane Harvey Flooding

- 14 of 21 houses flooded. Got between 5 to 11 inches of water. As a rough estimate, that is about 1.5 million dollars of damage.
- While getting water in our homes has not happened since 1979, water frequently rises to cover several of our yards on any many of our heavy rains. For some, this is very anxious.
- The problem became very obvious during our current flood.
 1. C1 Ditch – breeched in 4 locations. Water rushed over the edge of the ditch like a beautiful waterfall. This ditch is used to drain the west side of Alvin and it broke.
 2. Restricted by FM 1462. The water on our side of 1462 was about 2 feet higher than of the other side. We were in a bowl.
- Possible suggestions for helping solve this problem.
 1. Reduce the restriction under the bridge by at least 11 inches. If this had happened, no one on Skyranch would have had water in their home.
 2. Add a couple of culverts under FM 1462 to increase the flow rate of water and reduce the backup. This would not only solve our problem but also help the Deer Trail, Clearwood, Stevenwood, new Fire Station, and all other properties west of Rowan Burton Road.
 3. Addressing the draining of water in Deer Trail beyond the subdivision, not just using the streets for water retention, should have been addressed by the City prior to the approval of this subdivision.
- My Request is that the City take the lead with the support of the C&R District and TxDOT to fix our problem.

Alvin Animal Adoption Center



AAAC Team

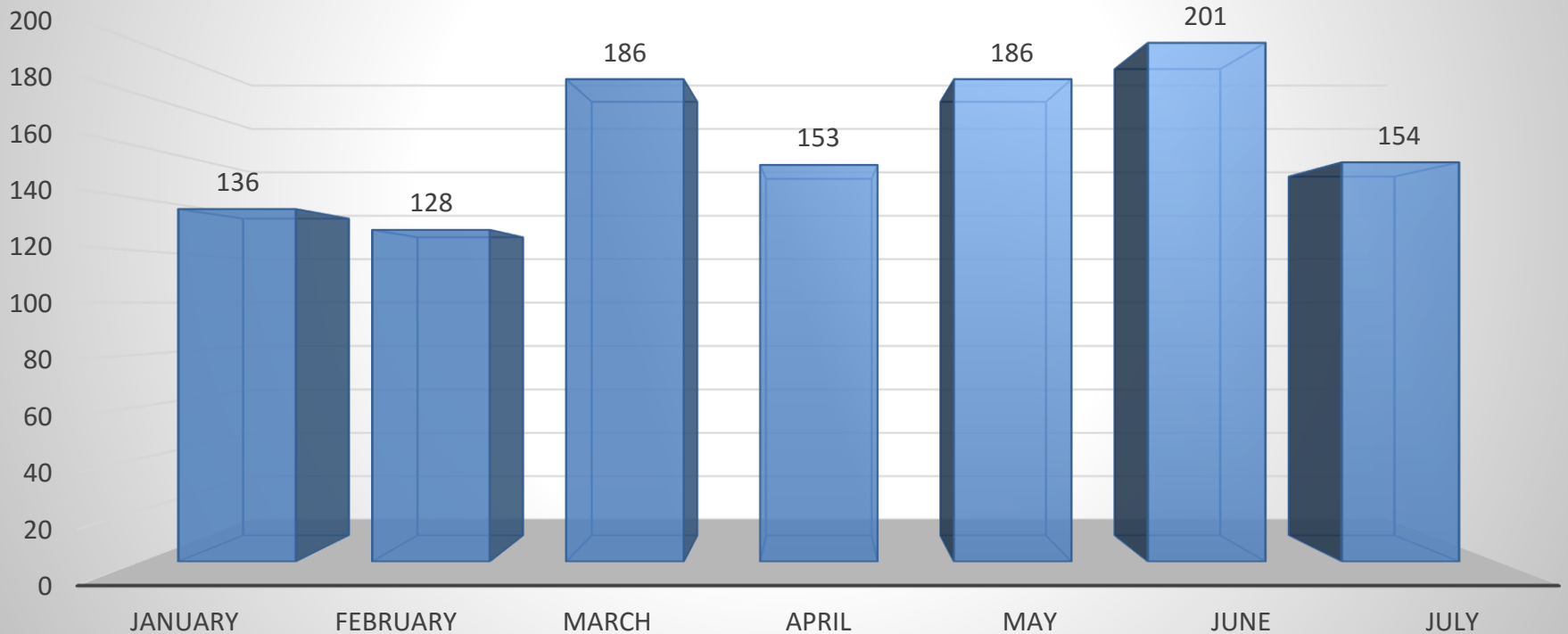
- **Richard Villaloboz**, Kennel Tech
- **Brittney Moore**, Kennel Tech
- **Kaitlyn Sifert**, Kennel Tech
- **Tonya Douglas**, Animal Control Supervisor
- **Camielle LaChapelle**, Animal Control Officer
- **Joan Moore**, Animal Control Officer
- **Autumn Miller**, Shelter Manager



In-Takes

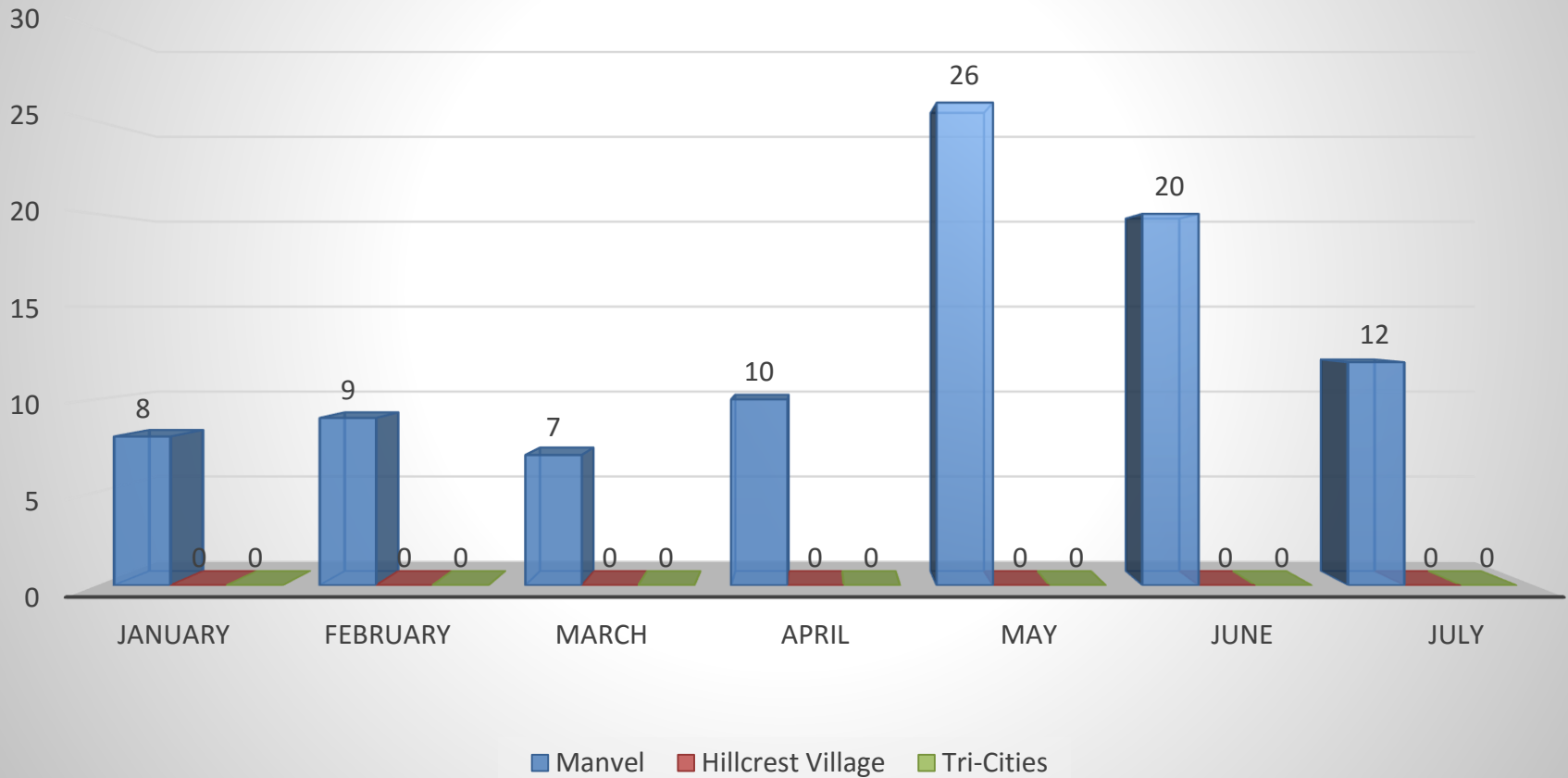
On average, 5+ animals came into the AAAC each day thus far in 2017.

2017
January - July



Other Agencies In-Takes

2017
January - July



Meet Esther and Hope



January 2017



March 2017



Sept 2016



March 2017

Recent Milestones

- No euthanizations for time or space reasons since December 2015



Recent Milestones

- Developed and implemented the Sponsor a Pet program

Adopt LaMont for just \$45

Available for adoption at the
Alvin Animal Adoption Center
550 W. Highway 6 • Alvin, Texas 77511
281.388.4331



Sterilization sponsored by:
Feline Foundation
Protection | Awareness | Wellness

Adopt BERT for just \$45

Available for adoption at the
Alvin Animal Adoption Center
550 W. Highway 6
Alvin, Texas 77511
281.388.4331



Sterilization sponsored by:
Sergeant Kingham
of the Alvin Police Department

Help a Homeless Pet & Promote your Business or Organization by teaming up with the **Alvin Animal Adoption Center**

The Alvin Animal Adoption Center is responsible for taking in the homeless pets of Alvin. We save them from the streets and provide them with care until we are able to find them new families.

Our adoption fees cover the sterilization (spay or neuter), microchip, rabies vaccination, deworming, flea medication, and basic vaccinations. When we are able to find sponsors for the sterilization of these pets, we are able to lower the adoption fee and increase the chance of adoption for that pet.



By donating \$85 toward the sterilization of a dog or \$65 toward the sterilization of a cat, you can make a difference! We will post a flyer on that pet's kennel stating your organization sponsored the sterilization, post it on our Facebook page, and provide you with a flyer to display at your facility!

Don't hesitate – there are many pets counting on you!

Alvin Animal Adoption Center

550 West Highway 6
Alvin, Texas 77511

To participate, please call 281.388.4331 or email amiller@cityofalvin.com

Adopt Jazzzi for just \$45

Available for adoption at the
Alvin Animal Adoption Center
550 W. Highway 6 • Alvin, Texas 77511
281.388.4331



Sterilization SPONSORED BY:

THE RETIRED SCHOOL EMPLOYEES GROUP

Adopt DRYFUS for just \$45

Available for adoption at the
Alvin Animal Adoption Center
550 W. Highway 6
Alvin, Texas 77511
281.388.4331



Sterilization sponsored by:
HUNTERSON FARMS
"HOME OF THE REAL RED RIDGEBACKS"

Recent Milestones

- Volunteer program continuously growing
 - 2,869 volunteer hours in 2016!
- Worked with over 50 rescues in 2016
 - 359 pets placed
- New program with mobile vet for sterilizations at the shelter for AAAC pets



Recent Milestones

- Teamed up with Steinhauser's and Nutrena to donate food to each adopted pet



Community Involvement

- Regularly visit Mark Twain Elementary



Community Involvement

- Participate in community events with adoptable pets nearly each weekend



Community Involvement

- Participate in community events with adoptable pets nearly each weekend

Odyssey Bay Area
CIRCUS Spring Fling
2000 Stanley Lane • El Lago, Tx 77566

MARCH 25, 2017
FUN RUN 9:00 AM ★ EVENTS 10:00-2:00

Odyssey Bay Area Welcomes
Alvin Animal Adoption Center
550 West Highway 6 • Alvin, TX 77511 • 281.388.4331

 TONY - Boston Terrier/Chihuahua Playful young and hilariously entertaining!	 STANLEY - Black lab Sweet young adult male black lab. Great family dog!	 MOLLY - Lab mix Sweetest female around one year old with beautiful coloring! She is a doll and would be a great family dog.
 JEFFERSON - Chihuahua Mid age male Chihuahua. Great lap dog with lots of love to do.	 ESTHER - Yellow lab Sweet young adult female yellow lab. Wonderful family dog recovering from a life of malnourishment and neglect.	 DARIUS - Wire-haired Griffon Playful young adult male. Handsome Family Dog!



Community Involvement

- **Advertisement at Wellborne Cinema**
- **AAAC pets posted on AdoptaPet.com and PetFinder.com**
- **Pet of the Week in The Alvin Sun & Advertiser**
- **Low cost pet vaccinations available at AAAC twice/month with PVS**

Community Involvement

- Active on AAAC Facebook page



Donations

- Donations to the Alvin Animal Adoption Center can be made:
 - Directly at the shelter (550 W Hwy 6)
 - Over the phone (281.388.4331)
 - Via our Alvin Animal Adoption Center Facebook page
 - Via our City Webpage (www.alvin-tx.gov)
 - Directly at the Veterinary Hospital of Alvin (Medical fund)

Donations



Alvin Animal Adoption Center
@AlvinAnimalAdoptionCenter

- Home
- About
- Photos
- Events
- Reviews
- Offers
- Videos
- Posts
- Community
- Store

Promote

Post Your Job In Minutes
Creating a job post is easy and you can review and respond to applications on Messenger anywhere, anytime.

Create a Post in Minutes



It's CASE RESCUE DAY FOR THE FUND! IT'S AIN'T!

281-268-4331
ALVIN ANIMAL ADOPTION CENTER
BOWLING GREEN, TX

Like Follow Share

Get Now

Hallo, Autumn Miller Your Account Shopping Bag (1)

Search products

View as: Grid List Table Sort by:



AAAC Donation - Events Fund
\$40.00



AAAC Donation - Events Fund
\$15.00



AAAC Donation - Events Fund
\$30.00



Adopt Lollipop for just \$45
ALVIN ANIMAL ADOPTION CENTER
Johanna Ann Brinkman's 50th wedding anniversary

AAAC Donation - Sponsor a Cat
\$65.00



In touch with the past...planning for the future.

Home

Animal Shelter Advisory Committee

Adopt an Animal

About AAAC

Inspiring "Tails"

Events

Sponsored Pets

Adopting a Pet

Owning a Pet in Alvin City Limits

Promotional Programs

Volunteer Program

Annual Reports

Contact Us

About Our Shelter:

The Alvin Animal Adoption Center is a division of the Alvin Police Department. We employ three full-time Animal Control Officers, three full-time Kennel Techs, and one Shelter Manager - each of our employees is compassionate toward animals and love helping our pets find their forever home! We also have amazing volunteers and sponsors who make such a huge difference for our pets and our staff.

AAAC Mission Statement:

Our Mission is to resolve animal control issues in our community by educating the public about applicable animal control laws and enforcing those laws as appropriate. Our focus is reuniting pets with their family or placing adoptable pets in forever homes or qualified rescue groups. We will treat all animals with respect and compassion. We will make all decisions by first considering what is the most humane outcome for the animal.

Come Meet our Pets:

Our pets love visitors! Come meet your new furry family member at the Alvin Animal Adoption Center between 10am and 5pm, Tuesday through Sunday.

If you are unable to adopt a shelter pet, there are other ways to help!

Donations to the shelter can be made over the phone at 281.388.4331, in person at the shelter at 550 W Highway 6 in Alvin, sent to our mailing address 1500 S Gordon Street, Alvin, Tx 77511 or via Paypal with the button below.

You can donate directly to our medical fund at the Veterinary Hospital of Alvin to help with our pets needing special medical attention. Donations may be made by phone at 281.331.6158 or in person at 1401 FM 1462 in Alvin.

Donate

MasterCard Visa Discover American Express

Thank you





AGENDA COMMENTARY

Meeting Date: 9/7/2017

Department: City Manager

Contact: Sereniah Breland, City Manager

Agenda Item: Public hearing to receive comment on the proposed tax rate of \$0.7880 per \$100 of valuation for the Fiscal Year 2017-2018 (2017 tax year).

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

Summary: The City's proposed tax rate (\$0.7880) exceeds the effective tax rate (.753783). As a result, the Local Government Code requires the City Council to set two public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing.

This is the second of the two required public hearings. Council held the first public hearing at the regularly scheduled City Council meeting on August 17, 2017 at 7:00 p.m.

The City Council will consider adopting the proposed tax rate at the regular meeting of the City Council on September 21, 2017 at 7:00 p.m.

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

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

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

Supporting documents attached:

- Notice of Public Hearing
-

Recommendation: No Action.

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

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

NOTICE OF 2017 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF ALVIN

A tax rate of \$0.788000 per \$100 valuation has been proposed for adoption by the governing body of CITY OF ALVIN. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF ALVIN proposes to use revenue attributable to the tax rate increase for the purpose of Capital and design cost of a new public safety facility; Increased personnel services; Increased insurance cost; and other costs associated with the growth of the community..

PROPOSED TAX RATE	\$0.788000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.798000 per \$100
EFFECTIVE TAX RATE	\$0.753783 per \$100
ROLLBACK TAX RATE	\$0.828383 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF ALVIN from the same properties in both the 2016 tax year and the 2017 tax year.

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

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

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

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

Ro'Vin Garrett, PCC
Brazoria County Tax Assessor-Collector
451 N Velasco Rm 150 Angleton, Texas 77515
979-864-1320
roving@brazoria-county.com
brazoriacountytexas.gov/departments/tax-office

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

First Hearing:

August 17, 2017 at 7:00pm at the City Hall Council Chambers, 216 W Sealy in Alvin, Texas 77511.

Second Hearing:

September 7, 2017 at 7:00pm at the City Hall Council Chambers, 216 W Sealy in Alvin, Texas 77511.



AGENDA COMMENTARY

Meeting Date: 9/7/2017

Department: City Attorney

Contact: Suzanne L. Hanneman, Interim City Attorney

Agenda Item: Public hearing for the disannexation of approximately 76.519 acres of land, more or less, requested by Kevin C. Ford, Sheri P. Ford, Steve Hawkes, Janice Hawkes, Donald E. Ware, Shirley M. Ware, David D. Sanders, and Maxine D. Sanders, located in Brazoria County, Texas, being that part of the city limits abutting County Road 133 a/k/a Moore Road.

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

Summary: The property owners listed below filed with the city secretary's office a petition for disannexation on April 24, 2017.

1. 454 CR 133
Owner: Kevin Ford
2. 1250 Moore Road
Owner: Hawkes
3. 1320 Moore Road
Owner: Ware
4. 1535 Moore Road
Owner: Sanders

On August 3, 2017, City Council approved a Release and Compromise Settlement Agreement with the aforementioned property owners regarding the disannexation of their property, such proceedings to be complete on or before October 31, 2017, subject to compliance with applicable procedures set forth in the City Charter and state law.

This is the first of two (2) public hearings required by law for the disannexation. The next public hearing is scheduled for the regularly scheduled City Council meeting on September 21, 2017 at 7:00 p.m.

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

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

Legal Review Required: N/A ___ Required x **Date Completed:** 9/5/17

Supporting documents attached:

- Map

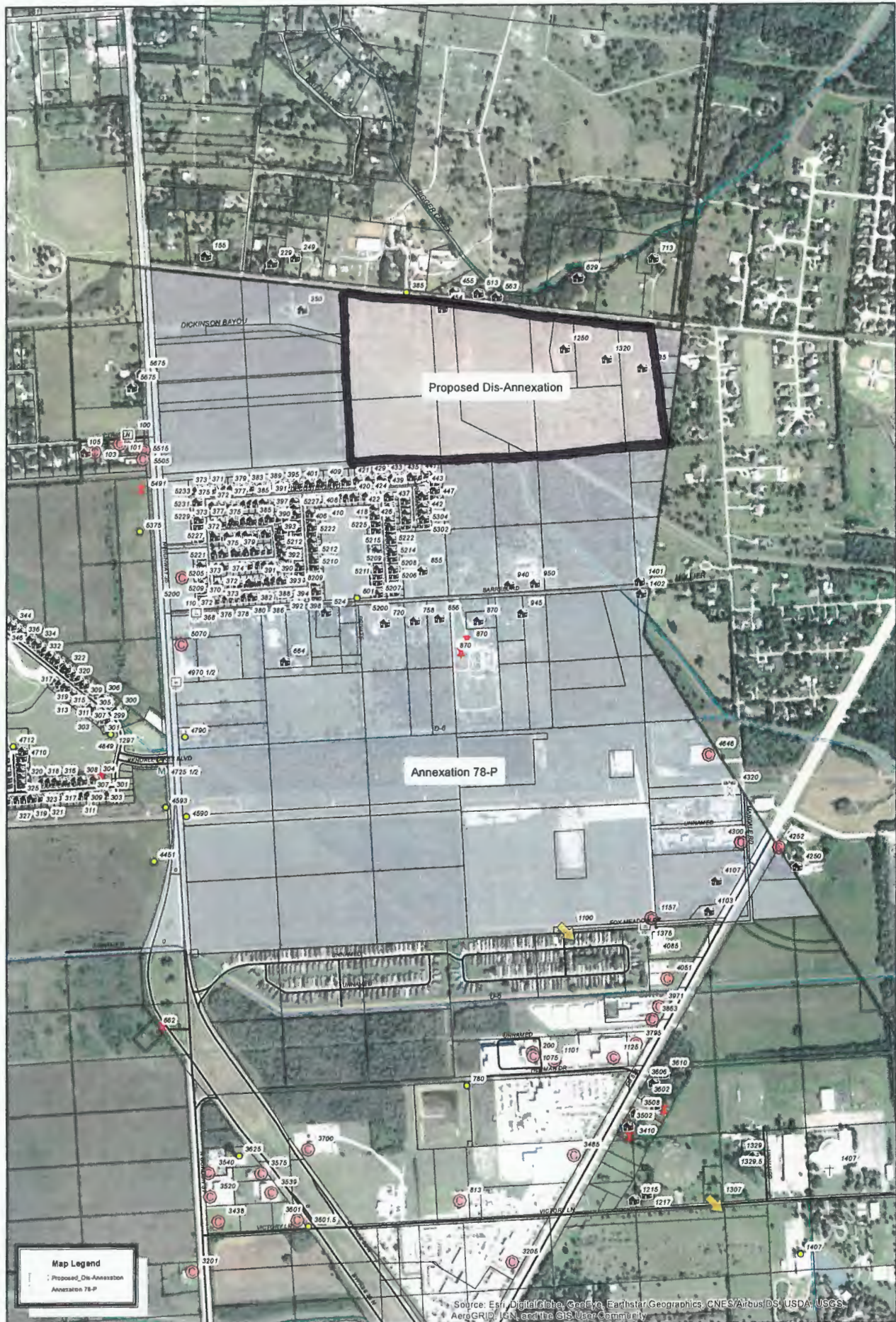
Recommendation: No Action.

Reviewed by Department Head, if applicable ☐

Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐

Reviewed by City Manager ☒



Rev. Date 5/15/2017
Engineering Dept.

Proposed Dis-Annexation On Moore Rd.

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 17, 2017
7:00 P.M.**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in Regular Session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-Tem Brad Richards; Council members: Gabe Adame, Adam Arendell, Chris Sanger, Scott Reed, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Suzanne Hanneman, Interim City Attorney; Dixie Roberts, City Secretary; Michelle Segovia, City Engineer; Robert E. Lee, Chief of Police; and Ron Schmitz, EMS Director/Emergency Management Coordinator.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Horn gave the invocation.

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

Council member Reed led the Pledge to the Texas Flag.

PRESENTATIONS

EMS/Emergency Management Departmental Update.

Ron Schmitz, EMS Director and Emergency Management Coordinator presented the departmental update for EMS and Emergency Management.

PUBLIC COMMENT

Mr. Challette spoke before Council regarding his displeasure with the deep drainage ditches being installed in his neighborhood.

PUBLIC HEARING

Public hearing to receive comment on the proposed Fiscal Year 17-18 Annual Budget. This proposed budget is estimated to raise more total property taxes than last year's budget by \$396,497 which is a 4.07% increase from last year's budget. The estimated property tax revenue to be raised from new property added to the tax roll this year is \$238,325.

Mayor Horn opened the public hearing at 7:26 p.m. There were no public comments. Mayor Horn closed the public hearing at 7:27 p.m.

Public hearing to receive comment on the proposed tax rate of \$0.7880 per \$100 of valuation for the Fiscal Year 2017-2018 (2017 tax year).

Mayor Horn opened the public hearing at 7:27 p.m.

Michael Presson inquired into whether a study has been done on how the tax increase will affect the citizens. The Mayor and Council addressed his concerns.

Ashely Davis requested clarity on the proposed tax rate and budget. Council addressed her inquiry.

David Brower commented lowering taxes where there is a savings. He also mentioned that money should be spent on projects that need fixing.

Richard Chaphousen inquired on when the budget is set. No response was provided.

Mayor Horn stated that this public hearing was for the public have a chance to offer their thoughts on the proposed tax rate. A full discussion of this item was prohibited per the Texas Open Meetings law.

Mayor Horn closed the public hearing at 7:48 p.m.

CONSENT AGENDA

A. Approve minutes of the August 3, 2017 City Council regular meeting.

B. Accept the resignation of Alvin Public Library Board member Nancy Hartney.

Nancy Hartney has submitted her resignation from the Alvin Public Library Board due to her work schedule (resignation letter attached). Her position runs through December, 2017.

Chapter 2 of the Administrative Code states that this board must have at least seven (7) members. At this time, the City Secretary's Office has no other applicants on file who would like to serve on this board. Advertisements will begin in an effort to recruit a replacement member. City Council will consider an appointment to fill this position at a later date. The board meets quarterly; their next meeting is in November. If an applicant doesn't apply between now and November, City Council has the option to wait and consider this appointment in December, when annual board and commission appointments are made.

Current members of the Alvin Public Library Board: Becky Clapsaddle, Sandra Curtner, Shandar Hobbs, Pam Lewis, Debra McDonald and Carrie Parker.

C. Consider the resale of trust property located at 1312 W. Lobitt, Easton Blk 77 Lot 3, .4500 acres, Account #3690-0431-120, Tax Suit #42071 for the sum of \$2,500.

This property is held in trust by the City of Alvin originating in 1992 when the City was the Collector for the Alvin Consolidated Tax Office. The Consolidated Tax Office collected taxes for the City, Alvin ISD, Alvin Community College, and Oak Manor Municipal Utility District (MUD).

If this offer is approved, the City will receive 26.29% of the offer amount of \$2,500 which after the costs are subtracted (\$1914.70) is \$585.30. This offer requires the approval of the City's governing body, because the City is the trust holder. All the other taxing entities listed must also approve this offer in order for the sale to move forward.

Land Value: \$ 29,160

Total Taxes due (from all entities): \$21,314

City of Alvin Taxes due: \$5,604

Offer: \$2,500

This property went out for public resale through Brazoria County in 2014 with a minimum bid of \$7,882, an offer was not received. In 2016 the property went out again for public resale with a minimum bid of \$5,000, an offer was not received. In July 2017, an offer was received for half of the offer amount requested in 2016 which is \$2,500, which is up for Council consideration at this time.

Net to Distribute to Taxing Entities		
Brazoria County	13.09%	\$76.62
Alvin ISD	49.11%	\$287.46
ACC	7.45%	\$43.59
BC C&R#3	4.06%	\$23.74
City of Alvin	26.29%	\$153.89

D. Consider an Interlocal Agreement with the Gulf Coast Regional 9-1-1 Emergency Communications District; and authorize the City Manager to sign.

In order for the City of Alvin (Alvin Police Department) to maintain and operate a Public Safety Answering Point (PSAP) in the Gulf Coast Regional 9-1-1 Emergency Communication District program region, an interlocal agreement must be in place. The scope of the interlocal, in brief, is that the 9-1-1 system (equipment/software) will be provided by the Gulf Coast Regional 9-1-1 Emergency Communication District and in return the Police Department will staff the PSAP 24 hours a day 7 days a week, routinely test the equipment to insure readiness and operability, train PSAP answer point staff adequately for the task and to keep Gulf Coast Regional 9-1-1 apprised of equipment status and operability, etc. The interlocal agreement will need to be renewed every two years.

This interlocal was previously named "Interlocal Agreement for E9-1-1 Public Safety Answering Point Services" and was made with the Houston-Galveston Area Council (H-GAC). This current agreement is still with H-GAC just under the new title of the Gulf Coast Regional 9-1-1 Emergency Communication District. Previous agreements were signed in 2013 and 2015.

Staff recommends approval.

Council Member Sanger asked that Item D be removed from the Consent Agenda: Consider an Interlocal Agreement with the Gulf Coast Regional 9-1-1 Emergency Communications District; and authorize the City Manager to sign

Council member Adame moved to approve the consent agenda as presented excluding item D. Seconded by Council member Thompson; motion carried with a vote of 7 Ayes.

OTHER BUSINESS

Consider an Interlocal Agreement with the Gulf Coast Regional 9-1-1 Emergency Communications District; and authorize the City Manager to sign. *This item was removed from the consent agenda by Council member Sanger.*

Council member Sanger asked a few questions regarding the purpose of this agreement. Ms. Breland, City Manager stated that this agreement is needed in order to keep the 9-1-1 call center operational.

Council member Sanger moved to approve an Interlocal Agreement with the Gulf Coast Regional 9-1-1 Emergency Communications District; and authorize the City Manager to sign. Seconded by Council member Richards; motion carried with a vote of 7 Ayes.

Consider Ordinance 17-P, amending Chapter 20, Streets and Sidewalks, of the Code of Ordinances by adding a new Article V. "Network Nodes" for the purpose of updating the city's Right-of-Way Management Ordinance and adopting a design manual to comply with Chapter 284 of the Texas Local Government Code; providing a severability clause; providing a savings clause; providing an effective date; and setting forth other provisions related thereto.

The City of Alvin is responsible to maintain and operate the roadways and provide access to the right of way on behalf of the citizens of Alvin. The ROW ordinance established the authority of the city to regulate the ROW, provides a framework for a right of way permitting process and establishes the authority of the city to regulate the ROW. Without this regulation, the placement of facilities within the ROW would conflict with the primary uses of the ROW and would reduce the efficient use of limited space for facilities.

This new article will address the recent changes to the legislative landscape which inhibits cities from regulating small cell towers in the public right of way. These "micro" facilities are more numerous and targeted than traditional cell towers. The expansion of small cell networks is expected to continue to increase. The recently passed Chapter 284 of the Local Government Code is onerous to cities since it:

- *Preempts local authority to regulate the ROW;*
- *Allows easy deployment from cell phone providers;*

- Limits fees cities can collect;
- Allows attachments on any type of pole;
- Allows attachments on existing poles; and allows adding new poles to attach network nodes.

The legislation does allow cities to adopt a design manual that includes additional installation and construction details. Staff has prepared a Wireless Services Design Manual that includes guidelines to assist wireless service providers with their design of facilities in Alvin public right of way. The manual provides additional guidance for providers and will supplement the ordinance.

Ms. Hanneman, City Attorney gave a brief overview of this ordinance.

Council member Arendell moved to Ordinance 17-P, amending Chapter 20, Streets and Sidewalks, of the Code of Ordinances by adding a new Article V. "Network Nodes" for the purpose of updating the city's Right-of-Way Management Ordinance and adopting a design manual to comply with Chapter 284 of the Texas Local Government Code; providing a severability clause; providing a savings clause; providing an effective date; and setting forth other provisions related thereto. Seconded by Council member Sanger; motion carried with a vote of 7 Ayes.

Consider an appointment to fill the unexpired term of Nancy Hartney on the Alvin Public Library Board.

Article IV of the Charter states that the Alvin Public Library Board shall have at least seven (7) members. Five (5) members shall reside within the corporate limits of the City, and two (2) members may reside within Brazoria County.

With Ms. Hartney's recent resignation, the board now has six (6) members: Becky Clapsaddle, Sandra Curtner, Shandar Hobbs, Pam Lewis, Debra McDonald and Carrie Parker. City Council must fill one vacant position on this board.

One (1) application is on file with interest in serving on the Public Library Board. Applicant information is listed in the spreadsheet attached.

Council member Sanger filed a Conflict of Interest form with the City Secretary and recused himself for this item.

Council member Thompson moved to appoint Liz Sanger to fill the unexpired term of Nancy Hartney on the Alvin Public Library Board. Seconded by Council member Richards; motion carried with a vote of 6 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the next City Council meeting.

ITEMS OF COMMUNITY INTEREST

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

Mrs. Roberts reviewed items of community interest.

Council member Thompson thanked Ron Schmitz, EMS Director and Emergency Management Coordinator, for the presentation for the presentation on his departmental update. He welcomed back Police Chief Lee.

Council member Reed thanked Ron Schmitz, EMS Director and Emergency Management Coordinator, for the presentation on his departmental update. He expressed sympathy to the citizens that incurred a tax increase.

Council member Arendell thanked Ron Schmitz on his departmental presentation. He also congratulated Grace Cruzen, Deputy City Secretary, for passing the final test of the Texas Municipal Clerk's certification program.

Council member Richards thanked the department heads for the work they do.

Council member Adame thanked Ron Schmitz on his departmental presentation and expressed thanked the citizen who spoke at the public hearing and assured them that their concerns are being heard.

Council member Starkey expressed his appreciation to first responders. He announced that the Coffee with Cops had a good turn out and he encouraged citizens to attend. He congratulated the Alvin Museum Society for its presentation of the Riders of the Orphan Train; he cautioned everyone that school was back in session and to watch out for the children walking. Council member Starkey gave a commendation to the Parks Department for maintaining the city grounds as well as the city employees working outside.

Mayor Horn announced that he attended the Senior Citizen Center's open house.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 7:55 p.m. in accordance to the following:

SECTION 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value of real property.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 8:42 p.m.

Consider action, if any, on item regarding the purchase, exchange, lease or value or real property discussed in Executive Session.

No action.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:42 p.m.

PASSED and APPROVED this _____ day of _____, 2017.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

**AMENDMENT
TO THE AGREEMENT BETWEEN
CITY OF ALVIN AND CROWDERGULF JOINT VENTURE, INC.**

THIS AMENDMENT is made and entered between the **CITY OF ALVIN, TEXAS**, a municipal corporation in Brazoria County, Texas (hereinafter referred to as the “CITY”), and **CROWDERGULF JOINT VENTURE, INC.**, (hereinafter referred to as the “CONTRACTOR”).

WITNESSTH:

WHEREAS, on May 19, 2011, the City Council for the City of Alvin, Texas, awarded a Debris Removal Services contract to CONTRACTOR, for a period of five (5) years, with an option to extend one (1) time for an additional five (5) years. On May 23, 2011, the agreement for Debris Removal Services B-11-09, went into effect, providing for debris removal services in the City of Alvin, Texas; and

WHEREAS, in 2016, the parties agreed to exercise the contract extension option, and on July 7, 2016, the City Council for the City of Alvin, Texas, approved a five (5) year extension of the contract; and

WHEREAS, the parties desire to amend the Agreement to incorporate current Federal procurement requirements pursuant to the United States Code of Federal Regulations, 2 C.F.R. §200.326, and 2 C.F.R. Part 200; and

WHEREAS, the purpose of this Amendment is to provide the City with a contractual engagement to ensure a proper and timely response to an emergency event requiring the services of the CONTRACTOR to protect the safety and welfare of the City of Alvin residents, and to update certain provisions in the Agreement; and

WHEREAS, this Amendment shall not result in any change to the scope of work provided for under the original Agreement and shall not require an increase to the compensation originally provided for under the original Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, terms, and provisions contained herein, the parties agree as follows:

1. This Amendment incorporates the Federal procurement requirements of 2 C.F.R. 200, and the requirements and provisions therein shall supersede any previous federal procurement requirements and/or regulations provisioned in the original Agreement or subsequent extensions to the Agreement.

2. The CONTRACTOR must comply with Federal contract provisions outlined in Attachment “A” – Federal Contract Provisions, Appendix II to Part 200, attached hereto and incorporated herein, as they may apply to this Agreement.

3. The CONTRACTOR agrees to comply with 2 C.F.R. §200.333 regarding records retention and access requirements to all records.

4. This Amendment, when executed together with the original Agreement (which consists of the following documents), shall constitute the entire agreement between the parties and shall be collectively known as the AGREEMENT:

- a. Request for Proposal;
- b. Contractor's Qualifications;
- c. General Terms and Conditions;
- d. Supplemental Terms and Conditions;
- e. Exhibit "A" – Scope of Services;
- f. Exhibit "B" – Contractors Price Proposal;
- g. Contractor's Bonds;
- h. Notice of Award; and
- i. CrowderGulf Joint Venture Inc. Bid Package and supporting documents therein.

5. To the extent of any conflict between this Amendment and the original Agreement (including the supporting documents), the terms and conditions of this Amendment shall prevail.

6. These changes shall be effective upon this Amendment being executed by both parties.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement effective the _____ day of September 2017.

CITY OF ALVIN, TEXAS

ATTEST:

By: Paul A. Horn
Mayor

By: Dixie Roberts
City Secretary

CROWDERGULF JOINT VENTURE, INC.

By: John Ramsay
President

ATTACHMENT “A”
FEDERAL CONTRACT PROVISIONS – APPENDIX II OF 2 CFR PART 200

The CONTRACTOR agrees to recognize and comply with all applicable standards, orders or regulations issued pursuant to Appendix II of 2 C.F.R. Part 200 – Standards, and orders or regulations that are not applicable to the scope of work will not be required of the CONTRACTOR.

**APPENDIX II TO PART 200 – CONTRACT PROVISIONS FOR NON-FEDERAL
ENTITY CONTRACTS UNDER FEDERAL AWARDS**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

1. Delays and Excused Performance/Force Majeure.

- a. Any delay or failure in the performance by either party hereunder shall be excused if and to the extent caused by the occurrence of a Force Majeure.
- b. For purposes of this Agreement, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, restraint of government, governmental acts, injunctions, labor strikes, other than those of CONTRACTOR, that prevent CONTRACTOR from performing its obligations in this Agreement, and other like events that are beyond the reasonable anticipation and control of the party affected thereby, despite such party’s reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to a party’s failure to perform its obligations under this Agreement.

2. Equal Employment Opportunity.

- a. CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive

considerations for employment without regard to race, color, religion, sex, or national origin.

- c. CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the CONTRACTOR'S commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. CONTRACTOR will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- e. CONTRACTOR will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor for purpose of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of the CONTRACTOR'S noncompliance with the nondiscrimination clauses of this Contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated, or suspended in whole or in part, and the CONTRACTOR may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g. CONTRACTOR will include these provisions in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The CONTRACTOR will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: provided, however, that in the event a CONTRACTOR becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the CONTRACTOR may request the United States to enter into such litigation to protect the interest of the United States.

3. **Davis-Bacon Act**, as amended (40 U.S.C. 3141-3144, and 3146-3148).

- a. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5 "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction").

- b. In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor.
- c. In addition, contractors must be required to pay wages not less than once a week.
- d. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation.
- e. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination.
- f. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- g. The contracts must include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”).
- h. The Act provides that each contractor or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.
- i. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

4. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

- a. Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5).
- b. Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours.
- c. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week.
- d. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous.

- e. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. Reporting.

Vendor shall allow access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

6. Debarment and Suspension (Executive Orders 12549 and 12689).

A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

- a. Contractors that apply or bid for an award exceeding \$100,000 must file the required certification.
- b. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.
- c. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

8. Rights to Inventions Made Under a Contract or Agreement.

If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a), and the recipient or sub-recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or sub-recipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

9. **Clean Air Act** (42 U.S.C. 7401-7671q.) and the **Federal Water Pollution Control Act** (33 U.S.C. 1251- 1387), as amended.

- a. Contracts and sub-grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387).
- b. Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

10. **Procurement of Recovered Materials** §200.322.

- a. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.
- b. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

11. **Minority Businesses and Women's Businesses.** As required by CFR Title 2, §200.321 (b)(6), Contractor must take the following affirmative steps in the hiring of any subcontractors:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's enterprises; and
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

CERTIFICATION OF RESTRICTIONS ON LOBBYING FORM

If not provided at time of bid submittal, the form must be completed and submitted within three business days of CITY'S request. CONTRACTOR hereby certifies the following:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CONTRACTOR certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, CONTRACTOR understands and agrees that the provisions of 31 U.S.C. §3801 et. Seq., apply to this certification and disclosure, if any

Signed on this _____ day of September 2017.

CROWDERGULF JOINT VENTURE, INC.

By: John Ramsay
President