City of Alvin, Texas

Paul Horn, Mayor

Brad Richards, Mayor Pro-tem, At Large Pos. 1
Vacant, 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
THURSDAY JANUARY 4, 2018
7:00 P.M.
(Council Chambers)

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

Persons with disabilities who plan to attend this meeting that will require special services please contact the City Secretary'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, January 4, 2018** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PRESENTATIONS

A. Proclamation; Zhejiang Police College Cadets.

4. PUBLIC COMMENT

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

A. Approve minutes of the December 7, 2017 City Council workshop.

B. Approve minutes of the December 7, 2017 City Council regular meeting.

C. Consider Ordinance 18-A, annexing a 10.00-acre tract within Alvin Sunset Ranch located along Heights Road a/k/a County Road 145, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

D. Consider Ordinance 18-B, annexing a 19.134-acre tract, more or less in Forest Heights, Section 6 located along the proposed 528 extension between Business 35 and SH6, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

6. OTHER BUSINESS:
Council may approve, discuss, refer, or postpone items under Other Business.

A. Consider Resolution 18-R-01, expressing the intent to finance expenditures to be incurred for the design, acquisition, construction and equipping of Fire/Emergency Medical Services (EMS) facilities; and setting forth other matters related thereto.

7. REPORTS FROM CITY MANAGER

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

8. ITEMS OF COMMUNITY INTEREST

Pursuant to 551.0145of the Texas Government Code reports or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

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

9. EXECUTIVE SESSION

A. City Council will meet in Executive Session pursuant to Texas Government Code Section 551.071 – consultation with attorney on legal matters and 551.072 – deliberation regarding the purchase, exchange, lease or value of real property.

10. RECONVENE TO OPEN SESSION

A. Take action on Executive Session items if necessary.

11. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code on THURSDAY, December 28, 2017 at 1:00 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).**

Meeting Minutes – City of Alvin Parks and Recreation Board Meeting

Meeting Information

Objective:	Regular Monthly Meeting of City of Alvin Parks and Recreation Board		
Date:	11/07/2017	**Location:**	CONFERENCE ROOM OF THE PUBLIC SERVICE FACILITY, 1100 W. HIGHWAY 6, ALVIN, TEXAS, 77511
Time:	6:30 PM	**Meeting Type:**	Regular Monthly Meeting
		Facilitator:	Dan Kelinske, Director of Parks and Recreation
		Note Taker:	Carrie Parker - Secretary
Attendees:	Board Members: **Dwight Rhodes – Chair Debra Palin – Vice Chair Carrie Parker – Secretary, Milton Morgan, Kerry Ulm, Terrie Beasley, Cindy DeJongh** Other Attendees: **Dan Kelinske, Director of Parks and Recreation.** ,		

Agenda Items

1. CALL TO ORDER – Called to order by Dwight Rhodes, Chair at 6:40pm

2. ROLL CALL – see above for attendees

3. APPROVAL OF MINUTES – approved unanimously

    a. October 11, 2017

4. PETITIONS/REQUEST FROM THE PUBLIC - None

5. CHAIRMAN REPORT – None
    .

6. DIRECTOR REPORT

    a Update on upcoming events
    1. Santa's Mailboxes 11/28-12/18
        a. Locations - HEB and Kroger
    2. Christmas Movie - Arthur Christmas @ Wellborne Cinema 12/1
        a. 6pm Children's Activities
    3. Home for the Holidays 12/2 (volunteers needed)

    b. Update on park projects/improvements

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- Mustang Bayou damage due to Hurricane Harvey, Pending proposal from engineer for a turnkey repair. Sheet piling proposed as solution in order to preserve the trail.
- Installation of sidewalk from National Oak Park to the Depot has funding
- Movement of the 3 recycling bins in Library parking lot to grass has had no negative impact, will lay down a concrete foundation
- Power-washing of pavilions, picnic tables, playground equipment with some exceptions that will be handled by Parks and Rec Department
- ACC has renewed 10 year lease for Alvin Parks and Rec for Hugh Adams Park
- Houston Galveston AREa Council will provide a special recognition for completed parks for the Nature Observation Area at National Oak Park
- Alvin will host HGAC quarterly committee meeting on 11/13
- Projects underway/completed
    - Pedestrian bridge handrails in National Oak Park - spent so far $17,116.03 to repair
    - National Oak Parking lot resurfaced and restriped
- Trick or Treat Trail - 10/31
    - 44 booths
    - 1650 participants
- FY Programming Enrollment 2017
    - total enrollment transaction 395
    - general 377
    - online 18
    - withdraws 63
    - refunds 0

7. Old Business -
    a. Discuss Community Wide Event Application - reviewed by Board, feedback provided to Director
    b. Discuss Hike & Bike Trail - future plans for expansion generally discussed.

8. Items of Community Interest - None

8. ADJOURNMENT – Call to adjourn by Dwight Rhodes, Chair at 7:56 pm

Upcoming meetings:

- Parks and Recreation Board Meeting – December, 5 2017 6:30PM
    - Meet at Public Service Facility

Meeting Minutes Template © 2014 Vertex42 LLChttp://www.vertex42.com/WordTemplates/meeting-minutes.html

Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, the Zhejiang Police College in Hangzhou, Zhejiang Province, China, and Sam Houston State University's Criminal Justice Center have established the first international community-oriented policing internship in the United States for the Chinese police; and

WHEREAS, the Alvin Police Department was again selected to host and instruct cadets between January 3 - January 7, 2018 as part of this initiative; and

WHEREAS, this community-oriented program will not only educate the international cadets, but will also provide insight for our police officers on policing in China, broadening their perspectives, thereby improving local police services through greater understanding.

NOW, THEREFORE, I, Paul A. Horn, Mayor of the City of Alvin, Texas, and on behalf of the City Council and members of this community, do hereby welcome the cadets and faculty representative of the Zhejiang Police College to the City of Alvin.

WITNESS my hand and seal this
4th day of January 2018.

_____

Paul A. Horn, Mayor

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP MEETING
THURSDAY, DECEMBER 7, 2017
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. The meeting was delayed for lack of quorum. The meeting opened at 6:30 p.m. in the first-floor conference room at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-tem Brad Richards and Council members: Gabe Adame, Glenn Starkey, and Keith Thompson.

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

WORKSHOP ITEMS

Project timeline for new Fire/EMS Building.

A discussion was had on the project timeline for a new Fire/EMS Building. The City Manager recommended a traditional design bid construction model. She explained that Request for qualification (RFQ) would be solicited for an architect. Mr. Roland, Assistant City Manager/CFO, explained the two types of funding available. He recommended issuing certificates of obligation. A resolution will be brought before Council in January to adopt the project timeline.

Functionalities of the M-1 Drainage Ditch.

Michelle Segovia, City Engineer, gave an update on the projects from the M-1drainage ditch study. Ms. Segovia explained that Dannenbaum Engineering has prepared the storm sewer improvements in phases with a construction cost of $1M to $2.5M. She explained that the FY18 budget includes phase one, storm water improvements along Moller and Stadium Streets. Phase one engineering design is planned to come before Council in January, with construction proposed in FY19.

ADJOURNMENT

Mayor Horn closed the meeting at 6:45 p.m.

PASSED and APPROVED this _____ day of _____, 2017.

_____
Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY DECEMBER 7, 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, Keith Thompson, and Glenn Starkey.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Judy Zavalla gave the invocation.

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

Council member Thompson led the Pledge to the Texas Flag.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

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

Consider Ordinance 18-A, annexing a 10.00-acre tract within Alvin Sunset Ranch located along Heights Road a/k/a County Road 145, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date on first reading.

On September 19, 2017, Will Benson of Alvin Sunset Ranch, LLC, petitioned the City to annex +/- 10 acres, out of a 20-acre parcel for the purpose of the construction of the Sunset Ranch subdivision, owned by Alvin Sunset Ranch, LLC. Council authorized the commencement of annexation procedures on September 21, 2017, in Resolution 17-R-25. Public hearings were held on November 2, 2017, and November 16, 2017. This Ordinance, upon passage of the second reading, will finalize the annexation of that +10.00-acre tract of land for Sunset Ranch located along Heights Road a/k/a County Road 145, in Brazoria County, Texas. The Ordinance includes the Municipal Service Plan.

State law requires two readings of annexation ordinances. The second reading will be held on January 4, 2018.

Consider Ordinance 18-B, annexing a 19.134-acre tract, more or less in Forest Heights, Section 6 located along the proposed 528 extension between Business 35 and SH6, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date on first reading.

On September 15, 2017, Don Barras Development, LLC, petitioned the City to annex approximately 19.134 acres for the purpose of constructing Forest Heights, Section 6. Council authorized the commencement of annexation procedures on September 21, 2017, in Resolution 17-R-26. Public hearings were held on November 2, 2017, and November 16, 2017. This ordinance, upon passage of the second reading, will finalize the annexation of that ±19.134-acre tract of land for Forest Heights, Section 6, located along the proposed FM 528 extension between Business 35 and State Highway 6 in Brazoria County, Texas. The Ordinance includes the Municipal Service Plan. State law requires two readings of annexation ordinances. The second reading will be held on January 4, 2018.

Consider a contract for Election Services with Joyce Hudman, County Clerk, Brazoria County, Texas for the February 3, 2018 Special Election; and authorize the Mayor to sign.

This is a contract for election services with Brazoria County to conduct the Special Election to fill the City Council At Large Position 2 vacancy. This contract is very similar to the contract authorized by City Council every year to conduct the City's General Elections. The cost for this Special Election is estimated to be $12,986.50 and was not a budgeted item in the FY18 budget. This amount does not include the price for a potential run-off election. If a run-off is necessary, the City will enter into another contract with Brazoria County to conduct such election. In May 2018, the City will have a General Election to elect Council members to District's B, C and At Large Position 1. Historic figures indicate that the cost for the May 2018 General Election will range anywhere from $6,000-$10,000.

Historical Election Cost (General May Election):
May 2015: $9,471
May 2016: $6,151
May 2017: $9,200

Early voting will be held at the Alvin Library. Election Day voting will be at both the Alvin Library and at the Nolan Ryan Center at Alvin Community College.

Consider leasing four (4) non-emergency vehicles and three (3) emergency vehicles from Enterprise Fleet Management through the TIPS/TAPS purchasing program for a period of five (5) years for an annual cost of $56,004 and a one-time cost of $35,000 for the outfitting of specialized equipment.

On January 7, 2016, the City entered into an agreement using TIPS/TAPS with Enterprise Fleet Management for the lease of (5) five non-emergency vehicles as a trial. Throughout the two years of using this program the City of Alvin has been able to reduce maintenance cost on an annual basis. The program has allowed the Central Shop to direct its focus on emergency vehicles and heavy equipment instead of non-emergency vehicles with now 17 vehicles removed from the regular maintenance schedule because of this program providing for outsourced maintenance to local facilities.

The (7) seven vehicles proposed for this fiscal year will continue to reduce the City's operational maintenance cost and the ability to focus on heavy equipment and emergency vehicles all while still protecting the life of the vehicle and safety of drivers. An annual lease cost for the (7) seven vehicles is $56,004 including maintenance plus a one-time cost of $35,000 for outfitting of specialized equipment (Police Equipment transfer from old vehicle to new vehicle) compared to the traditional purchase cost of $264,764 plus maintenance cost of $105,000 for the life of the vehicles totaling $369,764.

This program continues to save on maintenance fees over the life of the lease with a total savings since the start of the program at $195,000 in maintenance fees alone. Last year (13) vehicles were placed in the lease program through Enterprise Fleet Management with a savings of $151,258.20 combined savings for maintenance and when lease vs. purchase is compared. This year the City will see an additional savings over the course of a (5) five-year lease of $147,992. In addition, Enterprise has released a new program now leasing emergency Police vehicles which includes (3) three of the (7) seven purposed vehicles mentioned and that will be evaluated for future leasing of emergency vehicles.

Consider Ordinance 17-X, determining the official population of the City of Alvin, Brazoria County, Texas, at over 25,000 inhabitants; providing for the statistical analysis and demographic information verifying the estimation of inhabitants.

In 2010, the United States Census Bureau statistics and demographics estimated the population of the City of Alvin to be 24,236 inhabitants.

The U.S. Census annual estimates of the residential population are based on the 2010 Census and reflect changes using data on births, deaths, and domestic and international migration. As of July 1, 2016, the U.S. Census annual estimate for the City of Alvin's population was 26,164.

Since 2011, the City of Alvin, Texas, has issued 748 new building permits for residential homes.

In 2016, during a Texas Commission on Environmental Quality (TCEQ) inspection, TCEQ determined, with information provided by the utilities department, that the City of Alvin had 8,083 single service utility connections, and 2,537 apartment units. The TCEQ multiplier of three (3) showed an estimated population of 31,860. The average 124 new yearly home permits, multiplied by the timeframe between the 2010 census and now, with an average household size of 3.1, yields a population estimate over 25,000. City staff estimates coincide with the U.S. Census data that there are over 25,000 inhabitants in the City limits.

Although there are some incidental impacts on this inhabitant declaration, the only substantive impact is the change to the City's extraterritorial jurisdiction, which will extend from 1 to 2 miles from the City limits.

Consider Resolution 17-R-29, amending the City of Alvin's Personnel Policy Manual to update Sections III (Qualifications and Eligibility for Hire); Sections IV (Pay and Benefits); Section V (Paid Time Off Benefits); and Section IX (Prohibited Conduct), and providing for related matters thereto.

It is essential that the City's Personnel Policy Manual be reviewed periodically to ascertain that the City is maintaining a personnel system that will promote a fair and effective means of employee recruitment and selection; as well as develop and maintain an effective and responsible work force.

The major revisions to the current personnel policy are as follows:

1.) *Section III, Rule 8 (D) (Hiring Incentive) – Reward current employees up to $250 for referring qualified candidates who subsequently are hired and successfully complete their probation period. Funding for this program was approved in the FY18 budget.*

2.) *Section III, Rule 13 (B) (Health/Medical Examinations) – To encourage health and well-being of employees, employees will receive 10 hours of paid time off for preventative wellness exams.*

3.) *Section IV, Rule J (3) (Compensation during disaster) – The current policy allows employees who are classified as "non-exempt personnel" according to IRS regulations to be paid one and one-half (1.5X) time their base pay only for hours worked outside of the employee's regular scheduled work hours during a declared emergency/disaster. Also, the current policy does not allow employees who are classified as "exempt personnel" according to IRS regulations to be paid one and one-half (1.5X) for any hours worked during a declared disaster. The proposed policy revision would allow both exempt and nonexempt personnel who work during a declared disaster to be paid one and one-half (1.5X) for all hours worked during the declared emergency.*

4.) *Section V, Rule 22(B) (Holiday Benefit) – Add Presidents' Day as an official holiday of the City. (AISD and ACC both recognize president's day)*

5.) *Section IX, Rule 47 (L) (Smoking and Tobacco Use) – Restricts employees from using tobacco products within 25 feet from the doorway, entryway, window, or fuel storage facility; as well as at city facilities outside of designated areas.*

Consider the Right of Entry Agreement with the Alvin Museum Society to allow access to City property to inspect, explore, dig and/or excavate for artifacts; and authorize the City Manager to sign.

The Alvin Museum Society is requesting access to City property to inspect, explore, dig and/or excavate for artifacts. The Museum Society has agreed to assume all costs associated with said activities, perform all activities in the least obtrusive way, and restore any property disturbed to the original condition. The Museum Society has agreed it will give to the City all artifacts, materials or associated findings found or excavated from the work performed on the property.

This agreement shall be in effect for six (6) months, and may be extended to complete any activities by mutual agreement.

Consider a final plat of Forest Heights Section 7, being a subdivision of 23.004 acres (located northwest of the Heights Road and Brazos Street intersection) being a portion of 227.12 acres (B.C.C.F. No. 97-024069), a portion of 7.3186 acres (B.C.C.F. No. 2004075510), all of 3.6879 acres (B.C.C.F. No. 2005000328), a portion of 25.915 acres (B.C.C.F. No. 2016016098) and a portion of right-of-way extensions across Forest Heights Section 4 detention pond canal (B.C.C.F. No. 2006004775) being situated in lots 63 and 62 of the Hooper and Wade Survey Section 23 A-420, and out of lots 8, 9, and 10 of Pierce's Addition of the Hooper and Wade Survey, Section 24, A-485 Brazoria County, Texas.

On November 1, 2017, the Engineering Department received the final plat of Forest Heights Section 7 for review. The property is located in the City of Alvin Extraterritorial Jurisdiction (ETJ) northwest of the intersection of Heights Road and Brazos Street. This section consists of sixty-eight (68) single-family lots, eighteen (18) reserves, and nine (9)

blocks. The Forest Heights Subdivision currently consists of five previously platted sections totaling 275 residential lots of which approximately 254 have homes on them. Following platting this section will be annexed into the City, at the Developer's request, in exchange for the ability to connect to City utilities. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on November 28, 2017. Staff recommends approval.

Consider a final plat of Fire/EMS Station (northeast corner of the intersection of Bellaire Boulevard and South Street), being a plat of 5.15 acres, being part of Reserve A of Bayou Bend, a subdivision as recorded in volume 8, pages 147-148, Plat Records, Brazoria County, Texas, and a 9,120 square feet tract of land called Tract 2 as recorded in a deed to Christopher Iguh, Jr. as recorded in document number 2015040454, Brazoria County, Texas.

On November 13, 2017, the Engineering Department received the final plat of Fire/EMS Station for review. The property is located on the northeast corner of the intersection of Bellaire Boulevard and South Street and is being platted so the Owner can convey Lot 1 to the City of Alvin to build a Fire and EMS Station in the future. The plat complies with all requirements of the City's Subdivision Ordinance.

The City of Alvin Planning Commission unanimously approved the plat at their meeting on November 28, 2017. Staff recommends approval.

Consider a final plat of the Alvin City Pool (919 Bayou Drive), being a plat of 1.35 acres, being part of tract 1 and tract 2 as recorded in volume 1230, page 940, Deed Records, Brazoria County, Texas, situated in the B.B.B. & C.R.R. Company Survey, Abstract 159, Brazoria County, Texas.

On November 1, 2017, the Engineering Department received the final plat of Alvin City Pool for review. The property is located at 919 Bayou Drive and is being platted in order to consolidate parcels and to define the property boundaries of the City's Bob S. Owen Pool Facility. Consolidating parcels into one lot with a defined boundary will aid in the design process when there is a need to add structures/amenities to this facility in the future. The plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on November 28, 2017. Staff recommends approval.

Consider 2018 Interlocal Agreement for Emergency Services with Brazoria County Emergency Services District #3 (ESD); and authorize the Mayor to sign said contract.

The ESD was first formed in 2004; Brazoria County Commissioners will select the five ESD Board of Directors to provide funding for Fire and Emergency Medical Services (EMS) to the approximate 120 Sq. miles surrounding the city limits of Alvin. The homeowners in the ESD annually pay approximately $100 per $100,000 on the value of their home or business.

In 2017 the ESD paid the following amount to the City of Alvin for Emergency Services:
$335,000 for Fire and Rescue; $342,400 for Emergency Medical Services; 2017 total: $677,400.

2018 proposed ESD agreement with the City of Alvin:
$350,000 ($15,000 increase) for Fire and Rescue; $350,000 ($7,600 increase) for Emergency Medical Services; 2018 total: $700,000 (3.34% increase).

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion to approve carried on a vote of 4 Ayes.

OTHER BUSINESS

Discuss and provide staff direction regarding the Tour de Braz biking event including possible funding from the Hotel Occupancy Tax Fund.

2018 marks the 25th anniversary of the Tour de Braz recreational bicycle ride which originates in Alvin having bike routes extending throughout Brazoria County. This event has been hosted yearly by volunteers and sponsors such as, Friends of Alvin Parks Foundation, Alvin YMCA, Associated Credit Union and many others. The City typically provided park and/or portable restroom usage at no cost as well as administrative support in preparation for the event.

The total revenue for the Tour de Braz bike ride generated approximately $27,000 while having expenses of approximately $18,000. Alvin YMCA and Friends of Alvin Parks Foundation shared equal portions of the annual net revenue, which was generated through event sponsorships and registrations of approximately 400-500 bike riders per year. The 2018 revenues will be donated to the Alvin Volunteer Fire Department.

The ad hoc event coordinators, Dwight Rhodes and Bill Dewitt, have expressed their desire to step aside and request the City of Alvin continue the event. Mr. Rhodes will address City Council during the 12/7 meeting.

Staff is requesting direction from City Council to pursue the Tour de Braz as a fully controlled event hosted by the City of Alvin.

Council member Adame moved to approve the City of Alvin staff to pursue hosting the Tour de Braz Bike Ride as a City of Alvin sponsored event and to allow for upfront expenditures not to exceed $17,000 from the Hotel/Motel Occupancy Tax Fund. Seconded by Council member Thompson; motion carried on a vote of 4 Ayes.

Consider Resolution 17-R-33, designating the old Methodist Church building located at 800 W. Sidnor St. as a local historic building.

Tom Stansel is requesting this historical building designation on behalf of the Alvin Karpeles Manuscript Museum in an effort to preserve this building as a historic structure in the City of Alvin. This resolution will simply state that the City recognizes this building as having historic value in hopes of seeing the building maintain its historic architectural integrity. The building was built in 1925/26 and is the oldest standing church in near original configuration in the City.

The Museum is also seeking the Medallion designation through The Brazoria County Historical Commission. The Medallion designation recognizes restoration efforts when attempting to comply with the Texas Historical Commission Marker Standards.

Council member Thompson moved to approve Resolution 17-R-33, designating the old Methodist Church building located at 800 W. Sidnor St. as a local historic building. Seconded by Council member Starkey; motion carried on a vote of 4 Ayes.

Discuss and provide staff direction regarding the Nolan Ryan statue.

City Council allocated $75,000 for the repair and reinstallation of the Nolan Ryan Statue in the FY18 budget. To date, $10,225 has been encumbered for crating, shipment, repair and refurbishment of the statue.

The following are cost estimates related to the reinstallation of the Nolan Ryan Statue at either the Museum or City Hall. These estimates were compiled using the construction costs for related material from other City projects, current agreements and proposals from Ty-Art for the base and bronze plaque. These cost estimates should be considered preliminary and subject to change.

Museum – Option 1a

• New Concrete Base	$15,645
• New Bronze Plaque (fabricate & install)	$3,500 - $5,000
• Landscaping	$1,500
• Lighting/Electrical	$3,000
• (2) Benches w/ 2 concrete pads	$3,000
• Removal & reinstallation of fence stretcher	$2,650
Total estimated Budget	**$29,295 to $30,795**

Museum – Option 1b

• *New Concrete Base*	*$15,645*
• *New Bronze Plaque (fabricate & install)*	*$3,500 - $5,000*
• *Landscaping*	*$1,500*
• *Lighting/Electrical*	*$3,000*
• *(1) Bench*	*$1,000*
• *Removal & Reinstallation of fence stretcher*	*$2,650*
Total estimated Budget	***$27,295 to $28,795***

City Hall – Option 2

• *New Concrete Base (same location)*	*$15,645*
Total estimated Budget	***$15,645***

Council member Starkey moved to direct staff to place the Nolen Ryan statute to option 1b location. Seconded by Council member Adame; motion carried on a vote of 4 Ayes.

Consider a variance request for the property owner at 1062 Jennifer Street to reduce the street side building setback from 25 feet to 15 feet for the construction of a swimming pool.

On November 1, 2017, the Engineering Department received a variance request, from the property owners of 1062 Jennifer Street, to reduce the street side building setback from 25 feet to 15 feet. The Homeowners are proposing to construct a 14' x 50' in-ground swimming pool along the west side of their home located at 1062 Jennifer Street, which is a corner lot in Forest Heights Section 4. In accordance with the recorded plat of the property, a 25' street side setback is required for all structures. The Homeowners are requesting to be permitted to construct the pool with a 15' street side setback for reasons outlined in the attached request letter. The swimming pool as proposed, will encroach 8.9' into the 25' side building setback, however it will still be within the wood fence and approximately 34' from the nearest edge of the side street (Lepper Street) pavement. The City's Subdivision Ordinance allows for a minimum 15' street side building setback for standard size residential lots such as this one should the Developer had chosen to plat the property in this manner originally.

The City Planning Commission unanimously approved the variance request at their meeting on November 28, 2017. Staff recommends approval.

Council member Adame moved to approve variance request for the property owner at 1062 Jennifer Street to reduce the street side building setback from 25 feet to 15 feet for the construction of a swimming pool. Seconded by Council member Richards; motion carried on a vote of 4 Ayes.

Consider the purchase of a new musical system for the clock tower at the Alvin Depot as either a direct purchase with a vendor, or as a reimbursement to Keep Alvin Beautiful, in an amount not to exceed $7,000.

The current musical system on the clock tower was originally installed in 2009. The system consisted of a portable controller placed inside the tower and is currently not operational and in need of replacement. Staff is requesting authorization up to $7,000 for the purchase and installation of a new musical system for the clock tower. The recommended replacement system would allow the controller to be placed inside the train depot rather than inside the clock tower.

Council member Starkey moved to approve the purchase of a new musical system for the clock tower at the Alvin Depot as either a direct purchase with a vendor, or as a reimbursement to Keep Alvin Beautiful, in an amount not to exceed $7,000. Seconded by Council member Richards; motion carried on a vote of 4 Ayes.

Consider Ordinance 17-W, amending the City of Alvin 2017-2018 Fiscal Year-End budget by increasing (decreasing) certain expenditures and increasing (decreasing certain revenues to the individual budget accounts in all funds set forth in the attached Exhibit "A".

Each fiscal year, the City amends the budget twice. In the Spring (mid-fiscal year), the city amends the budget to appropriate any prior year budget surplus to fund new capital items. In the Fall (fiscal year-end), the City amends the budget to appropriate or adjust (authorized/approved) revenues and/or expenditures which occurred during the year that were not originally budgeted. Reason being, under certain circumstances, staff has more definite revenue and cost information at year end.

FY17 has ended and staff needs to make budget adjustments as a way to put the final FY17 budget in line with actual (approved and/or authorized) revenues and expenditures for financial reporting purposes. Per the City's auditor's recommendation, the City should do a batch budget amendment at the end of the fiscal year to capture expenditures and/or revenues from the year that require a budget amendment.

Hurricane Harvey Fund FY17 Year-End Budget Adjustments ($597,334)

This budget amendment amends the budget to reflect the expenses relating to Hurricane Harvey through FY17. Funding to cover these expenditures comes from the City's fund balance reserves in the General Fund ($299,103), Sanitation Fund ($151,792), Utility Fund ($43,871), Sales Tax Fund ($26,000), IT Maintenance Fund ($2,177), Fleet

Maintenance Fund ($2,141) and the EMS Fund ($72,250). We are anticipating receiving approximately 80% of reimbursement from FEMA.

General Fund FY17 Year-End Budget Adjustments ($162,480)
This budget amendment adjusts the FY17 budget to reflect: a.) professional development and equipment upgrades to stream city council meetings; b.) Separation Agreement with former City Attorney; and c.) an adjustment to sales tax revenue related to the sales tax rebate to Vybranz LLC for cost recovery services as approved by council on August 6, 2015.

Special Investigation Fund FY17 Year-End Budget Adjustments ($34,080)
The Special Investigation Fund is used to account for seized funds, which are acquired through the sale of seized property that was used in the commission of a crime. These funds may only be used for law enforcement purposes such as officer training, salaries for officers, special investigative equipment and supplies, and items used by officers in direct law enforcement duties. This budget amendment reflects seized funds that were used to acquire various equipment and supplies used to support policing activities and law enforcement operations.

Donation Fund FY17 Year-End Budget Adjustments ($17,105)
In FY17, the City received donations from Waste Connections (per contract), Sunrise Rotary (per contract approved by city council 12/18/2014; Resolution 14-R-37) and various other donors. In FY17, the City expended the donated funds in accordance with the donors' requests. This budget amendment adjusts the FY17 revenue and expenditure budgets to reflect the receipt and use of donated proceeds.

Council member Adame moved approve Ordinance No. 17-W, amending the City of Alvin 2017-2018 Fiscal Year-End budget by increasing (decreasing) certain expenditures and increasing (decreasing certain revenues to the individual budget accounts in all funds set forth in the attached Exhibit "A". Seconded by Council member Starkey; motion carried on a vote of 4 Ayes.

Consider Ordinance 17-V, amending the City of Alvin FY18 budget for the purpose of appropriating $1,428,197.90 of prior fiscal year encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A".

An encumbrance is basically the reserving of funds when a purchase order is approved. Accounting practices require that these funds be reserved or encumbered until they are paid. When the books were closed September 30, 2017, there were open (outstanding) purchase orders. As the encumbered items are delivered and paid during FY18, negative budget variances will be reflected in the departmental accounts unless budget appropriations for the previous year's outstanding encumbrances are moved from the previous fiscal year (FY17) into the current fiscal year (FY18). Total outstanding encumbrances to be carried over from FY17 is $1,428,197.90.

FY17 Outstanding Encumbrances Carried Over to FY18	
General Fund	*$18,773.71*
Special Investigation Fund	*$3,435.25*
Utility Fund	*$119,790.23*
Impact Fee Fund	*$325,205.76*
EMS Fund	*$10,511.00*
General Projects Fund	*$54,732.93*
Sales Tax (Street & Drainage Improvement) Fund	*$445,250.14*
2015 Certificate of Obligation Fund - WWTP	*$290,106.41*
Central Shop Fund	*$1,265.00*
Vehicle Replacement Fund	*$63,408.21*
IT Maintenance	*$23,366.96*
Computer Replacement Fund	*$73,352.30*
TOTAL	***$1,428,197.90***

Council member Thompson moved to approve Ordinance 17-V, amending the City of Alvin FY18 budget for the purpose of appropriating $1,428,197.90 of prior fiscal year encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A". Seconded by Council member Starkey; motion carried on a vote of 4 Ayes.

Consider Resolution 17-R-31, re-appointing the directors of the Kendall Lakes TIRZ Board and Authority Board odd numbered positions from December 31, 2017 to December 31, 2019; and consider appointment of board chair.

The Kendall Lakes Tax Increment Reinvestment Zone (TIRZ) was created in 2005 to assist in the development of Kendall Lakes, a residential, commercial, and industrial area on the north side of the City of Alvin. There is a tax increment that is used for providing the needed infrastructure for the site through the ability of using bond proceeds. The TIRZ Authority and Board have the responsibility to develop policies that ensure good quality development for this site. Position #1 is held by Mike Pyburn who has submitted his resignation with thanks to the city for allowing him to have an active role in our development. Positions #3 (Alfred Froberg), Positions #5 (Andy Reyes), #7 (Ron Mercer), and #9 (Ricky Kubeczka) terms expire December 31, 2017. Position #6 is currently vacant. The current Chair of both the Board and Authority is Ricky Kubeczka. Council may wish to appoint new members to Positions #1 and #6. Position #1 is nominated by the mayor, and Position #6 is nominated by the District D council member.

Staff recommends accepting the resignation of Mike Pyburn with gratitude and thanks for his service, and recommends the current directors be reappointed in their respective terms that would expire December 31, 2019, appoint Lindsey Vaughn to Position #1 who's term will expire December 31, 2019, to appoint Scott Salter to Position #6 who's term will expire December 31, 2018, and to reappoint Ricky Kubeczka as the Chair of both the TIRZ and Authority Boards.

Council member Starkey moved to approve Resolution 17-R-31, accepting the resignation of Mike Pyburn; reappointing position #3 Alfred Froberg; #5 Andy Reyes; #7 Ron Mercer; and #9 Ricky Kubeczka whose terms that will expire December 31, 2019; appoint Lindsey Vaughn to position #1 whose term will expire December 31, 2019; and appoint Scott Salter to position #6 whose term will expire December 31, 2018 to the Kendall Lake TIRZ Board and Authority Board. Reappoint Ricky Kubeczka as chair of both the TIRZ and Authority Board. Seconded by Council member Thompson; motion carried on a vote of 4 Ayes.

Consider Resolution 17-R-32, casting votes for the Board of Directors of the Brazoria County Appraisal District.

This resolution is to cast votes for candidates to serve on the Board of Directors of the Brazoria County Appraisal District. This board of directors is an authoritative body of individuals that govern our local appraisal district and serves as part of the local property tax system equation of checks and balances.

The directors have no authority to set values or appraisal methods. The chief appraiser is appointed by and serves at the pleasure of the appraisal district board of directors. It is the responsibility of the chief appraiser to carry out the appraisal district's legal duties, hire staff, administer the annual appraisal process, and operate the appraisal office.

Every other year each governing body within Brazoria County is allotted a certain number of votes to cast toward the nominated candidates on the ballot. The City of Alvin is allotted 74 votes. City Council may cast all 74 votes for one candidate or distribute the votes among any number of the nominated candidates. Each governing body must vote by written resolution and submit to the Chief Appraiser before December 15, 2017.

Candidates: Tommy King (Alvin Representative), Rubye Jo Knight, Gail Robinson, Glenn Salyer, and Susan Spoor.

In 2015, City Council cast all 74 votes for Tommy King.

Council member Thompson moved to approve Resolution 17-R-32, casting 74 votes for Tommy King to the board of directors of the Brazoria County Appraisal District. Seconded by Council member Richards; motion carried on a vote of 4 ayes.

Consider the appointment of members to various board and commissions.

Terms will expire for various for various citizen boards committees, and commissions on December 31, 2017. All board or commission members with expiring terms were mailed notification letters along with a Consent and Willingness to Serve form. Volunteer recruitment ads were published in the Alvin Sun, the City's monthly newsletter, and notifications were pushed out via the city's social media networks. Members appointed during this process will begin service in January 2018. All residency requirements have been verified.

Staff suggests that Council have a time of discussion to decipher which appointments should be made to specific boards/commissions. Once a consensus is agreed upon motions can be made for appointments for each board/commission.

A discussion was had on the appointments of the various boards and commissions.

PLANNING COMMISSION: City Charter calls for 5-11 members, resident, 3 year terms.
Board currently comprised of 10 members (including termed members)

- Termed members: Charles Buckelew, Darrell Dailey, Martin Vela, Robin Revak-Golden, and Sussie Sutton (doesn't wish to continue service on commission)
- City Council may choose to:
  - not reappoint the 3 termed members who reapplied, leaving the commission at 5 members
  - reappoint the 3 termed members, bringing the commission to 8 members
    appoint the 3 termed members and the 1 new applicant, bringing the commission to 9 members
- Current Applicants: Charles Buckelew*, Darrell Dailey*, Martin Vela*, and Ashley Davis (new applicant). * indicates termed member reapplying

PARKS AND RECREATION BOARD: City Charter calls for 7-9 members, 2 year terms, resident, qualified voter with interest in leisure time.

- Board currently comprised of 7 members (including termed members)
- Termed members: Dwight Rhodes, Milton Morgan, Cindy DeJongh (doesn't wish to continue service on the board)
- 3 seats open
- Current Applicants: Dwight Rhodes*, and Milton Morgan*. *indicates termed member reapplying

If City Council chooses to re-appoint both Dwight Rhodes and Milton Morgan, there will still be one vacancy on the board. The City Secretary's Office will continue advertising for this vacancy in an effort to receive volunteer interest.

SENIOR CITIZENS BOARD: Ordinance calls for 7 members, 2 year terms.

- Board currently comprised of 7 members (including termed members)
- Termed members: Judy Zavalla, Betty Hodges, and Loretta Smith
- 3 seats open
- Current Applicants: Betty Hodges*, Loretta Smith*, and Judy Zavalla*. *indicates termed member reapplying

If City Council re-appoints all three termed members who applied to re-serve, the board will be at the required 7 members.

PUBLIC LIBRARY BOARD: Ordinance calls for at least 5 members who must reside within the corporate limits of the city, 2 members **may** be appointed from the Alvin area in Brazoria County, provided that such members have resided within such area for at least 1 year preceding their appointment, 3 year terms.

- Board currently comprised of 6 members (including termed members)
- Termed members: Sandra Curtner, Becky Clapsaddle, and Pam Lewis
- 2 seats open to make the required 5 members, can appoint 2 additional members
- 2 appointments needed to bring the total to 5 members
- Current Applicants: Sandra Curtner*, Laura Parker (new applicant), and Janet Riddle (new applicant). *indicates termed member reapplying

If City Council re-appoints the termed member who applied to re-serve and both new applicants, the board will be 6 members, satisfying the required 5 members (no more than 7 total).

BUILDING BOARD OF ADJUSTMENTS AND APPEALS: Ordinance calls for 5 members, 2 year terms.

- Board currently comprised of 5 members (including termed member).
- Termed member: James Thompson
- 1 seat open
- Current Applicants: James Thompson*, *indicates termed member reapplying

If City Council re-appoints the termed member who applied to re-serve, the board will be at the required 5 members.

ANIMAL SHELTER ADVISORY COMMITTEE: Ordinance calls for 7 members, at least 1 licensed veterinarian, 1 city official, 2 members whose duties include the daily operation of an animal shelter, 1 representative from an animal welfare organization, and 2 citizens who will reside within the city limits of Alvin, 3 year terms.

- Committee currently comprised of 6 members (including termed members, the current board is one member shy of the 7 required)
- Termed members: Tonya Douglas, Autumn Miller, Sandra Curtner, James Thompson, and Dr. Jim Crumm
- 6 seats open
- Current Applicants: Autumn Miller (daily operations)*, Tonya Douglas (city official)*, James Thompson (citizen)*, and Dr. Jim Crumm (veterinarian)*. *indicates termed members reapplying

All members termed wish to be re-appointed to the committee. If all members are reappointed, there will still be one vacancy on the board. No other applicants.

Council member Starkey moved to appoint/reappoint members to the various boards as presented below. Seconded by Council member Richards; motion carried on a vote of 4 Ayes.

PLANNING COMMISSION to serve a 3-year term: Charles Buckelew, Darrell Dailey, Martin Vela and Ashley Davis.

PARKS AND RECREATION BOARD to serve a 2-year term: Dwight Rhodes, and Milton Morgan.

SENIOR CITIZENS BOARD to serve a 2-year term: Betty Hodges, Loretta Smith, and Judy Zavalla.

PUBLIC LIBRARY BOARD to serve a 3-year term: Sandra Curtner, Laura Parker, and Janet Riddle.

BUILDING BOARD OF ADJUSTMENTS AND APPEALS to serve a 2-year term: James Thompson.

ANIMAL SHELTER ADVISORY COMMITTEE to serve a 3-year term: Autumn Miller (daily operations), Tonya Douglas (city official), James Thompson (citizen), and Dr. Jim Crumm (veterinarian).

Consider the cancellation of the December 21, 2017 City Council meeting.

There are no tentative items for consideration for the regular City Council meeting scheduled for December 21, 2017. The cancellation of said meeting will also give members of council and staff extra time to spend with family and friends during the Christmas season.

Council member Richards moved to cancel the December 21, 2017 City Council meeting. Seconded by Council member Starkey; motion carried on a vote of 4 Ayes and 1 No by Council member Adame.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the January 4, 2018 City Council meeting.

ITEMS OF COMMUNITY INTEREST

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

Mrs. Roberts reviewed items of community interest.

Council member Thompson thanked those who prepared the Home for the Holidays event; he wished everyone a Merry Christmas and a Happy New Year and expressed how impressed he was on number of candidates running for the special election.

Council member Richards thanked the city staff for the great job they've done all year; and he thanked the Council for being patient with him because of his health issues; and he also commended the Mayor for doing a great job.

Council member Starkey reminded everyone to drive safe during the holiday season and to be aware of the surroundings and to remember those who are working during the holidays. He wished everyone a Merry Christmas and a Happy New Year.

Mayor Horn reminded everyone that there are still citizens whose homes that were flooded but have not started rebuilding. He encouraged people to help the flood victims. Mayor Horn commended the City Manager for working with Waste Connections to keep the city clean and for helping people affected by Hurricane Harvey flooding event.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:02 p.m.

PASSED and APPROVED this _____ day of _____, 2017.

_____
Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary

AGENDA COMMENTARY

Meeting Date: 1/4/2018

Department: City Attorney **Contact:** Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Ordinance 18-A, annexing a 10.00-acre tract within Alvin Sunset Ranch located along Heights Road a/k/a County Road 145, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

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

Summary: On September 19, 2017, Will Benson of Alvin Sunset Ranch, LLC, petitioned the City to annex +/- 10 acres, out of a 20-acre parcel for the purpose of the construction of the Sunset Ranch subdivision, owned by Alvin Sunset Ranch, LLC. Council authorized the commencement of annexation procedures on September 21, 2017, in Resolution 17-R-25.

Public hearings were held on November 2, 2017, and November 16, 2017. This Ordinance, upon passage of the second reading, will finalize the annexation of that ±10.00-acre tract of land for Sunset Ranch located along Heights Road a/k/a County Road 145, in Brazoria County, Texas. The Ordinance includes the Municipal Service Plan.

State law requires two readings of annexation ordinances. The first reading of this ordinance was held on December 7th.

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 ___ **Date Completed:** _____

Supporting documents attached:

- Ordinance 18-A with attachments

Recommendation: Move to approve Ordinance 18-A, annexing a 10.00-acre tract within Alvin Sunset Ranch located along Heights Road a/k/a County Road 145, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

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. 18-A

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ANNEXING A 10.00 ACRE TRACT, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvin, Texas, (the "City") is a home-rule municipality authorized by State law and Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, on September 19, 2017, the City received a request and petition for annexation from Alvin Sunset Ranch, LLC, the owner of the property, as hereinafter described, in compliance with the Texas Local Government Code and Section 5 of Article I of the City Charter;

WHEREAS, the territory, as hereinafter described, is adjacent to the present City limits;

WHEREAS, the City Council authorized the commencement of annexation procedures with respect to the subject property described in Exhibit A on September 21, 2017, in Resolution 17-R-25;

WHEREAS, the two (2) separate public hearings, publications and notices were provided prior to consideration of this Ordinance, in accordance with the Texas Local Government Code; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B."

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

Section 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That the following described property not previously annexed by the City, (hereinafter referred to as the "Annexed Property"), is hereby annexed into the corporate limits of the City of Alvin:

> A tract or parcel of land containing 10.019 acres or 436,441 square feet of land being all of Lot 29 out of Section No. 23 Hooper and Wade Survey as recorded under Vol. 49, Pg. 161, Brazoria County Deed Records, (B.C.D.R.) conveyed to J.B. Mannahan and Robbie Dell Mannahan as recorded under Vol. 3692, Pg. 667, Brazoria County Deed Records (B.C.D.R.) situated in the Hooper and Wade survey, Abstract No 420, Brazoria County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Section 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B."

Section 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B," and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Section 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Alvin.

Section 6. That the Annexed Property shall be assigned to Council District A.

Section 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on first reading on the ____ day of December 2017.

PASSED and APPROVED on second and final reading on the ____ day of January 2018.

THE CITY OF ALVIN, TEXAS

By:_____
Paul A. Horn, Mayor

ATTEST

By:_____
Dixie Roberts, City Secretary

EXHIBIT "A"

Petition for Annexation with

Description of Property

STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

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

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

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

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

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

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

NOW THEREFORE, the undersigned by this Petition and Request:

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

> A tract or parcel of land containing 10.019 acres or 436,441 square feet of land being all of Lot 29 out of Section No. 23 Hooper and Wade Survey as recorded under Vol. 49, Pg. 161, Brazoria County Deed Records, (B.C.D.R.) conveyed to J.B. Mannahan and Robbie Dell Mannahan as recorded under Vol. 3692, Pg. 667, Brazoria County Deed Records (B.C.D.R.) situated in the Hooper and Wade survey, Abstract No 420, Brazoria County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan, publish notice, and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Alvin and in the real property records of Brazoria County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED this 19 day of Sept 2017, with the City Secretary of the City of Alvin, Brazoria County, Texas.

Petitioner: **Alvin Sunset Ranch, LLC**

By: _____

_____, President

STATE OF TEXAS §

§

COUNTY OF ~~BRAZORIA~~ Harris §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared William A. Benson Jr of Alvin Sunset Ranch, LLC, Owner of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 19 day of Sept 2017.

(SEAL)

LISA MARIE COOPER
Notary Public, State of Texas
Comm. Expires 04-09-2020
Notary ID 4569345

_____
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

A tract or parcel of land containing 10.019 acres or 436,441 square feet of land being all of Lot 29 out of Section No. 23 Hooper and Wade Survey as recorded under Vol. 49, Pg. 161, Brazoria County Deed Records, (B.C.D.R.) conveyed to J.B. Mannahan and Robbie Dell Mannahan as recorded under Vol. 3692, Pg. 667, Brazoria County Deed Records (B.C.D.R.) situated in the Hooper and Wade survey, Abstract No 420, Brazoria County, Texas, more fully described in the attached.

NORTH

SCALE: 1" = 200'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

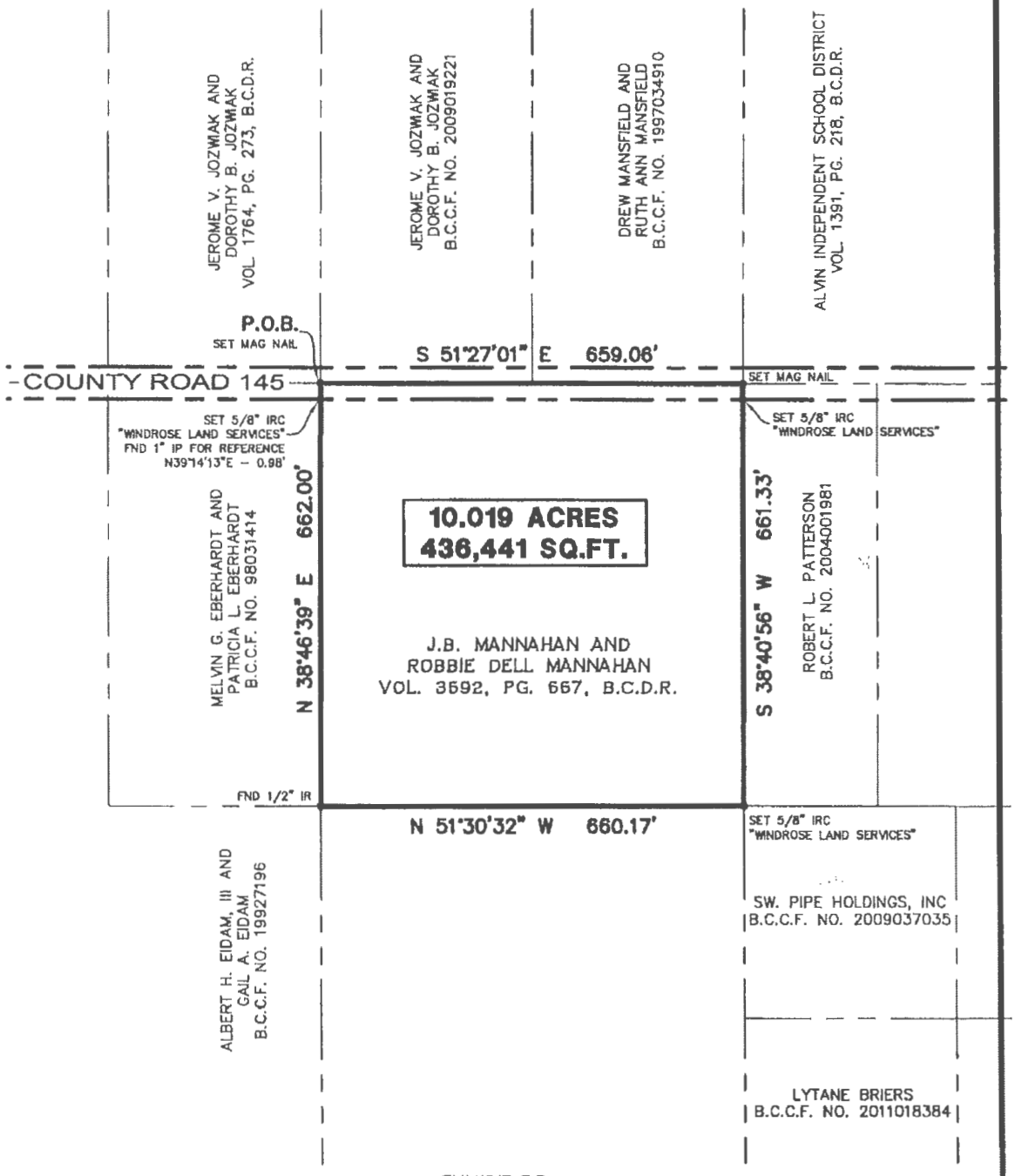

EXHIBIT OF
10.019 AC. / 436,441 SQ. FT.
SITUATED IN THE
HOOPER AND WADE SURVEY
ABSTRACT NO. 420
BRAZORIA COUNTY, TEXAS

FIELDED BY:	-	DATE:	05/26/2017
DRAWN BY:	CJP	REV:	
CHECKED BY:	PK	REV:	
JOB NO.	53419-EXB	REV:	
SHEET 1 OF 2		REV:	

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DESCRIPTION OF
10.019 ACRES OR 436,441 SQ. FT.

A TRACT OR PARCEL CONTAINING 10.019 ACRES OR 436,441 SQUARE FEET OF LAND BEING ALL OF LOT 29 OUT OF SECTION NO. 23 HOOPER AND WADE SURVEY AS RECORDED UNDER VOL. 49, PG. 161, BRAZORIA COUNTY DEED RECORDS (B.C.D.R.) CONVEYED TO J.B. MANNAHAN AND ROBBIE DELL MANNAHAN AS RECORDED UNDER VOL. 3692, PG. 667, BRAZORIA COUNTY DEED RECORDS (B.C.D.R.) SITUATED IN THE HOOPER AND WADE SURVEY, ABSTRACT NO. 420, BRAZORIA COUNTY, TEXAS, WITH SAID 10.019 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A MAG NAIL SET IN THE CENTERLINE OF COUNTY ROAD 145 AT THE COMMON CORNER OF LOTS 28, 38 AND 39 OF SAID SECTION NO. 23, AND SAID LOT 29;

THENCE, SOUTH 51 DEG. 27 MIN. 01 SEC. EAST, ALONG THE COMMON LINE OF SAID LOTS 29 AND 38, THE SAME BEING THE CENTERLINE OF COUNTY ROAD 145, A DISTANCE OF 659.06 FEET TO A MAG NAIL SET FOR THE COMMON CORNER LOTS 30 AND 37 OF SAID SECTION NO. 23, AND SAID LOTS 29 AND 38;

THENCE, SOUTH 38 DEG. 40 MIN. 56 SEC. WEST, ALONG THE COMMON LINE OF SAID LOTS 29 AND 30, PASSING A DISTANCE OF 25.50 TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR REFERENCE ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 145 AND CONTINUING FOR A TOTAL DISTANCE OF 661.33 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE COMMON CORNER OF LOTS 21 AND 28 OF SAID SECTION 23, AND SAID LOTS 29 AND 30;

THENCE, NORTH 51 DEG. 30 MIN. 32 SEC. WEST, ALONG THE COMMON LINE OF SAID LOTS 22 AND 29, A DISTANCE OF 660.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON CORNER OF LOT 23 OF SAID SECTION NO. 23, AND SAID LOTS 22, 28 AND 29;

THENCE, NORTH 38 DEG. 46 MIN. 40 SEC. EAST, ALONG THE COMMON LINE OF SAID LOTS 28 AND 29, PASSING A DISTANCE OF 636.50 FEET, A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE SOUTHWEST R.O.W. OF SAID COUNTY ROAD 145, AND CONTINUING FOR A TOTAL DISTANCE OF 662.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 10.019 ACRES OR 436,441 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53419-10.019AC, PREPARED BY WINDROSE LAND SERVICES.

5/26/17

STATE OF TEXAS
REGISTERED
RONALD PATRICK KELL
6424
PROFESSIONAL
LAND SURVEYOR

RONALD PATRICK KELL
R.P.L.S. NO. 6424
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800

05-26-17
DATE:

Y:\Projects\53419-Sunset Ranch\SURVEYING\Metes & Bounds\53419-10.019AC-MB.doc
713.458.2281 | 3200 WILCREST, STE 325, HOUSTON, TX 77042

Rev. Date 6/5/2017
Engineering Dept.

Sunset Ranch Development Annexation

EXHIBIT "B"

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

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

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

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

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

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

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

New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

B. Wastewater service and maintenance of wastewater service as follows:

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

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

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed

public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Agenda Commentary

Meeting Date: 1/4/2018

Department: City Attorney **Contact:** Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Ordinance 18-B, annexing a 19.134-acre tract, more or less in Forest Heights, Section 6 located along the proposed 528 extension between Business 35 and SH6, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

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

Summary: On September 15, 2017, Don Barras Development, LLC, petitioned the City to annex approximately 19.134 acres for the purpose of constructing Forest Heights, Section 6. Council authorized the commencement of annexation procedures on September 21, 2017, in Resolution 17-R-26.

Public hearings were held on November 2, 2017, and November 16, 2017. This ordinance, upon passage of the second reading, will finalize the annexation of that ±19.134-acre tract of land for Forest Heights, Section 6, located along the proposed FM 528 extension between Business 35 and State Highway 6 in Brazoria County, Texas. The Ordinance includes the Municipal Service Plan.

State law requires two readings of annexation ordinances. The first reading of this ordinance was held on December 7th.

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 ___ **Date Completed:** _____

Supporting documents attached:

- Ordinance 18-B with attachments

Recommendation: Move to approve Ordinance 18-B, annexing a 19.134-acre tract, more or less in Forest Heights, Section 6 located along the proposed 528 extension between Business 35 and SH6, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date; second reading.

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. 18-B

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ANNEXING A 19.134 ACRE TRACT, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvin, Texas, (the "City") is a home-rule municipality authorized by State law and Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, on September 15, 2017, the City received a request and petition for annexation from Don Barras Development, LLC, the owner of the property, as hereinafter described, in compliance with the Texas Local Government Code and Section 5 of Article I of the City Charter;

WHEREAS, the territory, as hereinafter described, is adjacent to the present City limits;

WHEREAS, the City Council authorized the commencement of annexation procedures with respect to the subject property described in Exhibit A on September 21, 2017, in Resolution 17-R-26;

WHEREAS, the two (2) separate public hearings, publications and notices were provided prior to consideration of this Ordinance, in accordance with the Texas Local Government Code;

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B."

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

Section 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2. That the following described property not previously annexed by the City, (hereinafter referred to as the "Annexed Property"), is hereby annexed into the corporate limits of the City of Alvin:

A tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Section 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B."

Section 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B," and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Section 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Alvin.

Section 6. That the Annexed Property shall be assigned to Council District A.

Section 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED and APPROVED on first reading on the ____ day of December 2017.

PASSED and APPROVED on second and final reading on the ____ day of January 2018.

THE CITY OF ALVIN, TEXAS

By:_____
Paul A. Horn, Mayor

ATTEST

By:_____
Dixie Roberts, City Secretary

EXHIBIT "A"

Petition for Annexation with

Description of Property

STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

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

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

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

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

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

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

NOW THEREFORE, the undersigned by this Petition and Request:

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

> A tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

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

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B" (proposed to be applicable to and

adopted for the subject property), and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan, publish notice, and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Alvin and in the real property records of Brazoria County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED this ___ day of _____ 2017, with the City Secretary of the City of Alvin, Brazoria County, Texas.

Petitioner: **Don Barras Development LLC**

By:_____
_____, President

STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Don Barras of Don Barras Development LLC, Owner of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 15th day of September 2017.

(SEAL)

TARA E. CHAPMAN
Notary Public, State of Texas
Comm. Expires 10-21-2018
Notary ID 128421091

Tara E Chapman
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

A tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, more fully described in the attached.

DESCRIPTION

Of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas. Said 19.173 acres being out of a called 227 12 acres tract (Tracts 1, 3, 9 and 10) conveyed by deed dated July 7 1997 from Peggy Swoboda Jobes to Lepper Family Partnership, Ltd., as recorded in Brazoria County Clerk's File No. 97-024069, all of the Official Records of Brazoria County, Texas Said 25 915 acres being out of said Hooper & Wade Survey, Section 23, Abstract 420 and Section 24, Abstract 485, Brazoria County, Texas and being more particularly described by metes and bounds as follows; (Bearings based on the east line of Forest Heights Section One (B.C.P.R Vol. 24, Pg. 69)

BEGINNING at a 5/8 inch iron rod with Rainwater cap found for the northeast corner of said Forest Heights Section One, same being in the west line of the G C &S F RR (based on a 100' R O.W.) and being the southeast corner of the herein described tract;

THENCE South 76° 56' 05" West along the north line of said Forest Heights Section One, passing at a distance of 320.00 (found 319.86) a 5/8 inch iron rod with Rainwater cap (bent), the northwest corner of said Forest Heights Section One, same being the northeast corner of Forest Heights Section Three according to the plat recorded in Document # 2004076091 of the Official Records of Brazoria County, Texas, and continuing in all for a total distance of 845.05 feet to a 5/8 inch iron rod with Rainwater cap found for the northwest corner of said Forest Heights Section Three;

THENCE South 41° 57' 00" West for a distance of 111.26 feet to a 5/8 inch iron rod with Rainwater cap found for the northeast corner of Lot 10, Block 10 of Forest Heights Section 4, according to the plat recorded in Document # 2006004775 of the Official Records of Brazoria County, Texas,

THENCE along the common lines of the herein described tract and said Forest Heights Section 4, the following calls.

North 48° 04' 59" West for a distance of 242.84 feet to a 5/8 inch iron rod found for corner,
North 39° 28' 53" West for a distance of 91 36 feet to a 5/8 inch iron rod found for corner.
North 47° 58' 37" West for a distance of 194.61 feet to a 5/8 inch iron rod with Rainwater cap found for corner;
South 42° 13' 26" West for a distance of 30.46 feet to a 5/8 inch iron rod with Rainwater cap found for corner,
North 47° 46' 33" West for a distance of 130.00 feet to a 5/8 inch iron rod with Rainwater cap found for corner;
North 42° 13' 26" East for a distance of 480.00 feet to a 5/8 inch iron rod with Rainwater cap found for corner;

South 47° 46' 34" East for a distance of 15 00 feet to a 5/8 inch iron rod with Rainwater cap found for corner,
North 42° 13' 26" East for a distance of 337 95 feet to a 5/8 inch iron rod with LJA cap set for corner;

THENCE South 47° 46' 34" East for a distance of 176 85 feet to a 5/8 inch iron rod with LJA cap set for corner;

THENCE South 13° 03' 55" East for a distance of 17.07' feet to a 5/8 inch iron rod with LJA cap set for corner.

THENCE North 76° 56' 05" East for a distance of 225 00 feet to a 5/8 inch iron rod with LJA cap set for corner,

THENCE South 13° 03' 55" East for a distance of 167 00 feet to a 5/8 inch iron rod with LJA cap set for corner

THENCE North 76° 56' 05" East for a distance of 320 00 feet to a 5/8 inch iron rod with LJA cap set for corner in the west line of said G.C & S F RR (100' R O W)

THENCE South 13° 03' 55" East along the west line of said G C & S.F RR (100' R O W.) for a distance of 590.00 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing within these calls 19 173 acres or 835,157 square feet of land

Rev. Date 6/5/2017
Engineering Dept.

Proposed Forest Heights Sec. 6 Annexation

Exhibit "B"

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

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

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

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

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

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

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

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

A. Police protection as follows:

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

B. Fire protection and Emergency Medical Services as follows:

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

C. Solid waste collection services as follows:

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

D. Animal control as follows:

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

E. Maintenance of parks and playgrounds within the City.

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

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

H. Land use regulation as follows:

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

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

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

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

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

B. Wastewater service and maintenance of wastewater service as follows:

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

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

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Agenda Commentary

Meeting Date: 1/4/2018

Department: Finance **Contact:** Junru Roland, ACM/CFO

Agenda Item: Consider Resolution 18-R-01, expressing the intent to finance expenditures to be incurred for the design, acquisition, construction and equipping of Fire/Emergency Medical Services (EMS) facilities; and setting forth other matters related thereto.

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

Summary: Funding for the purchase of land and design was approved for FY18 through the General Projects Fund. The purpose of this funding is to replace the existing Fire Station #1 and Emergency Medical Services (EMS) facilities, and combine the two (2) services into one facility. Compelling reasons to construct a new station include, but are not limited to expanded service coverage that reduces response time, more superior geographical access to calls for service, the current lack of windstorm rating, inadequate sleeping quarters, no room for future growth, condition of existing EMS facility, and bays that are too low for new apparatus.

In addition, this funding will also replace a platform ladder truck, as the department's existing ladder truck is 25 years old and is at the end of its useful life. The City has incurred $96,000 in maintenance over the last 5 years to keep the current ladder truck operational. It is becoming unreliable, and to maintain the insurance rating (ISO/PPC 2), it is imperative to have a reliable and safe working ladder truck. The City anticipates selling the current ladder truck and utilizing the proceeds to either subsidize the cost of a new ladder truck, or depositing the proceeds into the City's Fire Capital Fund.

As presented in the December 7, 2017 council workshop, bonds will need to be issued to finance the design and construction of the new Fire/EMS station and to purchase a new ladder truck. While it is premature to specify an exact dollar amount, Staff predicts the issuance to be approximately $8,200,000. A new Fire/EMS station and ladder truck will be financed over twenty years. Assuming an interest rate of 4%, the debt service would average approximately $582,200 a year. Based upon the 2018 taxable property value of $1,293,876,630, a tax rate increase between $0.04 – $0.05 per $100 of taxable value would be necessary to pay this debt.

To expedite construction and take advantage of potentially lower costs, Staff recommends approval of a "reimbursement resolution." This resolution acknowledges the need to issue bonds for financing a new Fire/EMS station and ladder truck. Although the resolution reflects a maximum issuance of $8,200,000, that is not necessarily the amount of bonds that will be issued. Staff believes that it is appropriate to construct a station that meets both the current and future needs of the City, while remaining affordable.

Approving the resolution will allow the City to secure a contract using money held in the General Projects Fund and the General Fund. Any expenditure prior to the bond issuance will be reimbursed from the proceeds at a later date. Staff currently expects that Certificates of Obligation would not be issued until a more accurate

estimate of costs is obtained. A tentative timeline of events may be:

January 2018	Approve reimbursement resolution
March 2018	Select Architect
April 2018 – December 2018	Design Phase
September 2018	Issue Certificates of Obligation
April 2019	Council Awards a Construction Contract
May 2020	Complete Construction

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:

- Resolution 18-R-01

Recommendation: Staff recommends approval of Resolution 18-R-01, expressing the intent to finance expenditures to be incurred for the design, acquisition, construction and equipping of Fire/Emergency Medical Service (EMS) facilities.

Reviewed by Department Head, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☒

Reviewed by City Attorney, if applicable ☒

Reviewed by City Manager ☒

RESOLUTION 18-R-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF FIRE/EMERGENCY MEDICAL SERVICE FACILITIES; AND PROVIDING FOR RELATED MATTERS THERETO; ESTABLISHING AN EFFECTIVE DATE; AND SETTING FORTH OTHER MATTERS

WHEREAS, the City of Alvin, Texas (the "City ") is a political subdivision of the State of Texas authorized to finance its activities by issuing obligations; and

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the projects listed on Exhibit " A " attached hereto (the "Financed Project"); and

WHEREAS, the City has concluded that it does not currently desire to issue obligations to finance the costs associated with the Financed Project; and

WHEREAS, the City desires to reimburse itself for the costs associated with the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof; and

WHEREAS, the City reasonably expects to issue obligations to reimburse itself for the costs associated with the Financed Project;

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

Section 1. The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the design, acquisition, construction, and equipping of the Financed Project from the proceeds of obligations to be issued subsequent to the date hereof.

Section 2. The City reasonably expects that the maximum principal amount of obligations issued to reimburse the City for the costs associated with the Financed Project will be $8,200,000.

Section 3. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't Code.*

AND, IT IS SO RESOLVED.

PASSED AND APPROVED on this the _____day of _____, 2018.

CITY OF ALVIN, TEXAS

By: _____
Paul A. Horn, Mayor

ATTEST:

By: _____
Dixie Roberts, City Secretary

EXHIBIT "A"
DESCRIPTION OF FINANCED PROJECT

Purpose /Project	**Amount**
The Financed Project includes the design, acquisition, construction, and equipment of fire/emergency medical service facilities and the purchase of a fire truck.	$8,200,000

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