

REGULAR MEETING OF THE CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
January 10, 2022
6:30 P.M.

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, January 10, 2022 at 6:30 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER- Roll Call

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT:

This is an opportunity for citizens to address the City Council on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. The City Council has no obligation to respond in any matter to comments or questions from the public. Any response from a member of the City Council to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for future City Council meeting.

CITY MANAGER'S REPORT:

CONSENT AGENDA:

A. Minutes from the regular council meeting held on December 13, 2021.

NEW BUSINESS

1. Consideration and action regarding a resolution calling for a General Election to be held on May 7, 2022 and establishing procedures for that election. (Thomas)
2. Consideration and action regarding a resolution calling for a Special Election to be held on May 7, 2022 and establishing procedures for that election. (Thomas)

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3. Public Hearing and consideration and action regarding an ordinance of the City of Alvarado, Texas, rezoning property for Tract 1, Abstract No. 214, Tract 29, J. Dixon Survey, and Tract 2, Abstract No 737. Tract No. 1A, J. M. Ross Survey, Tract 3, Abstract No. 313, Tract No. 161, Ira Glaze Survey, also known as the corner of IH35 W and Highway 67, from an "A" (Agriculture) zoning district, to a "PD" (Planned Development) zoning district, City of Alvarado, Texas, Johnson County. (Shaw Development Group)
4. Consideration and action regarding a contract between the City of Alvarado and Sharptones Productions LLC for July 4, 2022 entertainment. (Shenendoah)
5. Consideration and action regarding the Annexation Service Plan for the annexation into the City of Alvarado, Texas comprised of approximately 70.388 acres of territory described as Abstract No. 700, out of the Andrew Spiva Survey, Johnson County, Texas. (Alvarado by Morning)
6. Public Hearing and consideration and action regarding an ordinance providing for the annexation into the City of Alvarado, Texas comprised of approximately 70.388 acres of territory described as Abstract No. 700, out of the Andrew Spiva Survey, Johnson County, Texas. (Alvarado by Morning)
7. Consideration and action regarding acceptance of petition for annexation from Agave Trails Development LLC.

EXECUTIVE SESSION

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code executive session may be held under one or more of Sections 551.071, 551.073, 551.074, 551-.76, 551.087, 413.183(f) and 418.106(d) & (e), either at the end of The Regular Session or at any time during the meeting on any item on the agenda if a need rises for the City Council to seek advice from the City Attorney or otherwise convene in closed session as permitted by such sections of the Open Meetings Act. The City Council may take action on any agenda item listed for executive session consideration upon reconvening in open session. Please refer to agenda for the items posted.

- a. §551.071 Consultation with Attorney. The City Council may convene in Executive Session to conduct a private consultation with its Attorney on any legally posted agenda item, when the City Council seeks the advice of its Attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provision of Chapter 551, including the following items:

1. Any posted item on the agenda

8. Consideration and action regarding items discussed in Executive Session.

COUNCIL COMMENTS

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Pursuant to LGC Section 551.0415, City Council Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- * Expressions of thanks, congratulations, or condolence;
- * Information regarding holiday schedules;
- * An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutory recognition for purposes of this subdivision;
- * A reminder about an upcoming event organized or sponsored by the governing body;

Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

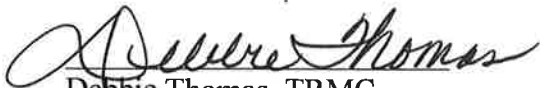
9. Adjourn.

ACCESSIBILITY STATEMENT

The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail:. Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services. I, the undersigned authority do hereby certify that the above Agenda was posted on the bulletin board in the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the general public at all times and said Agenda was posted on January 7, 2022 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Debbie Thomas, TRMC
City Secretary

CITY OF ALVARADO

County of Johnson

State of Texas

December 13, 2021

MINUTES

The City Council of the City of Alvarado met in Regular Called Session on Monday, December 13, 2021, at 6:30 p.m. The following were present for roll call:

Jacob Wheat	*	Mayor
Lydia Moon	*	Mayor Pro Tem
Cherry Bryant	*	Councilperson
Kevin Thomas	*	Councilperson
Beverly Short	*	Councilperson

Absent:
Michael Bennett * Councilperson

Others Present:

Paul DeBuff	*	City Manager
Debbie Thomas	*	City Secretary
Ashley Dierker	*	City Attorney
Michael Dwiggins	*	Public Works Director
Allwin Barrow	*	Chief of Police
Reyth Garcia	*	Court Clerk
Richard Van Winkle	*	Fire Chief
Emile Moline	*	Planning and Zoning Director

INVOCATION

Mayor Jacob Wheat called this regular meeting to order at 6:30 P.M. and gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Jameye Jones thanked everyone for their hard work for the Parade of Lights. It was a great success.

SWEARING IN OF NEW COUNCIL MEMBER

Mayor Jacob Wheat then swore in Scott Arthur as the new council member for Place III for the unexpired term until May 2021. Councilmember Arthur then took his seat at the podium.

CONSENT AGENDA

Motion was made by Councilperson Beverly Short, duly seconded by Mayor Pro Tem Lydia Moon, to approve the consent agenda as presented. This motion supported five votes in approval and zero votes opposed. Motion carried.

CITY MANAGER REPORT

Paul DeBuff explained to the council that our new website is currently in the stage of being developed and that a Webmaster will possibly be needed to keep it updated.

PRESENTATION FROM REACH COUNCIL AND REACH ACROSS JOHNSON COUNTY, REGARDING PROGRAMS AND INITIATIVES THEY OFFER TO THE CITIZENS OF ALVARADO IN A MULTITUDE OF AREAS OF SUPPORT OF YOUTH AND FAMILY SERVICES.

Representatives from Reach Council and Reach Across Johnson County gave a presentation of the services they offer to persons in Alvarado and Johnson County in their effort to keep Alvarado drug free.

CONSIDERATION AND ACTION REGARDING A RESOLUTION OF THE CITY OF ALVARADO, TEXAS, APPROVING THE METHOD FOR MAKING WRITTEN REQUEST FOR PUBLIC INFORMATION.

Motion was made by Councilperson Beverly Short, duly seconded by Mayor Pro Tem Lydia Moon to approve the resolution as presented. This motion supported five votes in approval. Motion passed.

CONSIDERATION AND ACTION REGARDING A UTILITY RATES CONTRACT.

Paul DeBuff, City Manager, addressed the council in reference to a utility rate study. This has not been done in several years. After discussion, motion was made by Councilperson Beverly Short, duly seconded by Councilperson Kevin Thomas, to negotiate with Willdan Financial Services not to exceed \$25,000.00 and authorize the City Manager to execute. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A SALARY
COMPENSATION STUDY CONTRACT.**

Paul DeBuff, City Manager addressed the council in regards to a Salary Compensation study. We received three bids for this study. His recommendation is G. M. Cox with a bid of \$38,989.00. Motion was made by Mayor Pro Tem Lydia Moon, duly seconded by Councilperson Beverly Short to approve a contract with G. M. Cox and authorize the city manager to execute. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A GRANT'S PROPOSAL
(BLAISE)**

Paul DeBuff, City Manager, addressed the council in reference to a grants assessment and eligibility study for the city. After discussion, motion was made by Mayor Pro Tem Lydia Moon, duly seconded by Councilperson Beverly Short, to approve a contract with B & A Professional Services with an amount not to exceed \$5,175.00 and authorize the city manager to execute a contract for grant assessments. This motion supported five votes in approval and zero votes opposed. Motion passed.

**CONSIDERATION AND ACTION REGARDING CHAMBER OF COMMERCE
LEASE OF FORT WORTH SURVEYING BUILDING.**

After discussion with the Alvarado Chamber of Commerce, motion was made by Mayor Pro Tem Lydia Moon, duly seconded by Councilperson Cherry Bryant, to authorize the city manager to negotiate a lease of the Fort Worth Surveying Building with the Alvarado Chamber of Commerce. This motion supported five votes in approval and zero votes opposed. Motion passed.

**CONSIDERATION AND ACTION REGARDING A PUBLIC IMPROVEMENT
DISTRICT CONSULTING.**

Motion was made by Mayor Pro Tem Lydia Moon, duly seconded by Councilperson Scott Arthur, to approve an agreement with Municap Inc. for Public Improvement District Consulting. This motion supported five votes in approval and zero votes opposed. Motion passed.

**CONSIDERATION AND ACTION REGARDING APPROVAL OF A
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO,
TEXAS, DETERMINING THE CONSTRUCTION MANAGER AT RISK
(CMAR) DELIVERY METHOD TO PROVIDE THE BEST VALUE TO THE
CITY FOR THE WASTEWATER TREATMENT PLANT EXPANSION
PROJECT AND STATING THE AWARD OF THE CMAR CONTRACT WILL
BE BASED ON BEST VALUE; AND PROVIDING AN EFFECTIVE DATE.**

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Motion was made by Councilperson Beverly Short, duly seconded by Councilperson Kevin Thomas, to approve the resolution as written and provides the best value for the city as presented. This motion supported five votes in approval and zero votes opposed. Motion passed.

DISCUSSION REGARDING SUNFLOWER LANE

Paul DeBuff, City Manager, stated to the council that repairs for Sunflower Lane would be approximately \$530,000.00

EXECUTIVE SESSION

Mayor Jacob Wheat then convened into Executive Session at 7:36 p.m. He then reconvened the regular meeting at 7:51 p.m.

CONSIDERATION AND ACTION REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION

Motion was made by Mayor Pro Tem Lydia Moon, duly seconded by Councilperson Kevin Thomas, to authorize the City Manager to negotiate and execute a contract with SGR not to exceed \$25,000 for a search for a new Fire Chief. This motion supported five votes in approval and zero votes opposed. Motion carried.

COUNCIL COMMENTS

ADJOURNMENT

Mayor Jacob Wheat then adjourned this special called meeting at 7:56 p.m.

Passed and approved this the _____ day of _____, 2021.

Mayor Jacob Wheat

Debbie Thomas, TRMC, City Secretary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2022 ESTABLISHING PROCEDURES FOR THAT ELECTION, AUTHORIZING THE METHOD OF VOTING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, state law has established the 1st Saturday in May as the date for general municipal elections; and

WHEREAS, by this Resolution, it is the intention of the City Council to call the general election, designate a polling place for this election, to appoint the necessary election officers and to establish and set forth procedures for conducting the election.

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

Section 1.

Election Order. A general election shall be held in the City of Alvarado, Texas, on Saturday, May 7, 2022, at which the following officials will be elected:

Mayor
City Alderman, Place 1
City Alderman, Place 2
City Alderman, Place 3

Section 2.

Polling Place. The polling place for the General Election shall be as follows:

Alvarado City Hall
104 West College
Alvarado, Texas, 76009

The polls shall be open from 7:00 a.m. until 7:00 p.m. on May 7, 2022, in accordance with and pursuant to the requirements of the Texas Election Code (the "Code").

Section 3.

Filing Dates. In accordance with the code, eligible persons wishing to become candidates must file application with the City Secretary of the City of Alvarado, 104 West College, Alvarado, Texas, 76009, and may do so beginning at 8:00 a.m., January 19, 2022 and continue through February 18, 2022, until 4:00 p.m. Each application shall be on a form meeting the requirements of Section 141.031 of the Election Code.

Section 4.

Appointment of Election Judge and Alternative Election Judge. The following named individuals are hereby appointed to serve as presiding Election Judge and Alternate Presiding Judge, respectively, at the election:

Presiding Election Judge	Name: Marjorie Tackett
Second Alternate Presiding Judge	Name: <u>Julie Bain</u>

The Presiding Election Judge and Alternate Presiding Judges shall be qualified voters of the City. The City Secretary shall, in accordance with Section 32.009 of the Election Code, deliver to the Presiding Election Judge and the Alternate Presiding Judges notice of their appointments not later than twenty (20) days from the effective date of this Resolution.

Section 5.

Appointment of Clerks. The Presiding Election Judge for the polling place shall appoint Election Clerks and as many additional Clerks as are necessary for the proper conduct of the election. Provided, however, three (3) clerks shall be the maximum number of Clerks which may be appointed to serve at the polling place. The Judge shall make a reasonable effort to appoint at least one (1) bilingual election clerk.

Section 6.

Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the General Election, in accordance with this resolution. Paper ballots shall be used for early voting in person, by mail and for voting on election day. The ES&S AutoMARK Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and for voting by personal appearance on election day. The City Council hereby adopts for use in early voting and on election day voting the ES&S AutoMARK Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. The

ES&S AutoMARK is being leased from Johnson County. All expenditures necessary for the conduct of this election, the purchase of materials therefore, and the employment of all election officials is hereby authorized, and shall be conducted in accordance with the Election Code.

Section 7.

Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote at this election.

Section 8.

Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Election Code, and the Charter of the City of Alvarado.

Section 9.

Early Voting. The City Secretary, City of Alvarado, 104 West College, Alvarado, Texas, 76009, is hereby designated as the Early Voting Clerk and she may appoint the necessary deputy clerks as required for early voting. Early voting by personal appearance shall be conducted between the hours of 8:00 a.m. until 4:00 p.m. on each day which is not a Saturday or Sunday, or an official State or Federal Holiday, beginning on April 25, 2022 and continuing through May 3, 2022, Notwithstanding the forgoing, however, on at least two days during the early voting period, the location for early voting shall be open at least twelve (12) hours. Early Voting by personal appearance shall be at City Hall, City Council Chambers, 104 West College, Alvarado, Texas, 76009. Applications for early voting by mail shall be delivered to the City Secretary at the same address or mailed to City Secretary, 104 West College, Alvarado, Texas, 76009, not earlier than Friday, January 7, 2022, and not later than the close of business on Tuesday, April 26, 2022.

Section 10.

Submission to the United States Justice Department. The City Secretary of the City of Alvarado, Texas, or her designee, is authorized to make such submissions to the United States Justice Department to seek pre-clearance as required by law.

Section 11.

Delivery of Returns. In accordance with the Election Code, immediately after the closing of the polls on the day of the election, the election officers names in this resolution shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Election Code.

Section 12.

Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13.

Effective Date. This resolution shall be effective upon its adoption.

PASSED AND APPROVED this 10th day of January, 2022.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Debbie Thomas, City Secretary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022 ESTABLISHING PROCEDURES FOR THAT ELECTION, AUTHORIZING THE METHOD OF VOTING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, state law has established the 1st Saturday in May as the date for general municipal elections; and

WHEREAS, by this Resolution, it is the intention of the City Council to call the general election, designate a polling place for this election, to appoint the necessary election officers and to establish and set forth procedures for conducting the election.

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

Section 1.

Election Order. A Special election shall be held in the City of Alvarado, Texas, on Saturday, May 7, 2022 at which the following officials will be elected:

City Alderman, Place 3

Section 2.

Polling Place. The polling place for the Special Election shall be as follows:

Alvarado City Hall
104 West College
Alvarado, Texas, 76009

The polls shall be open from 7:00 a.m. until 7:00 p.m. on May 7, 2022, in accordance with and pursuant to the requirements of the Texas Election Code (the "Code").

Section 3.

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Filing Dates. In accordance with the code, eligible persons wishing to become candidates must file application with the City Secretary of the City of Alvarado, 104 West College, Alvarado, Texas, 76009, and may do so beginning at 8:00 a.m., January 19, 2022 and continue through March 7, 2022, until 4:00 p.m. Each application shall be on a form meeting the requirements of Section 141.031 of the Election Code.

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conduct of this election, the purchase of materials therefore, and the employment of all election officials is hereby authorized, and shall be conducted in accordance with the Election Code.

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Section 10.

Submission to the United States Justice Department. The City Secretary of the City of Alvarado, Texas, or her designee, is authorized to make such submissions to the United States Justice Department to seek pre-clearance as required by law.

Section 11.

Delivery of Returns. In accordance with the Election Code, immediately after the closing of the polls on the day of the election, the election officers names in this resolution shall make and deliver the returns of the election in triplicate as follows: one copy shall be retained by the Presiding Election Judge; one copy shall be delivered to the Mayor of the City; and one copy of the returns, together with the ballot boxes and all election supplies, shall be delivered to the City Secretary. All election records and supplies shall be preserved by the City Secretary in accordance with the Election Code.

Section 12.

Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13.

Effective Date. This resolution shall be effective upon its adoption.

PASSED AND APPROVED this 10th day of January, 2022.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Debbie Thomas, City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, REZONING FOR TRACT 1, ABSTRACT NO. 214, TRACT 29, J. DIXON SURVEY, AND TRACT 2, ABSTRACT NO. 737 TRACT NO. 1A, J. M. ROSS SURVEY, TRACT 3, ABSTRACT NO. 313, TRACT NO. 161, IRA GLAZE SURVEY, ALSO KNOWN AS THE CORNER OF IH35 W AND HWY 67, FROM AN "A" (AGRICULTURE) ZONING DISTRICT TO A "PD" (PLANNED DEVELOPMENT) ZONING DISTRICT, CITY OF ALVARADO, JOHNSON COUNTY, TEXAS: PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Alvarado, Texas at least 15 days before such hearing; and

WHEREAS, public hearings to change the zoning on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zoning change; and

WHEREAS, The City Council is of the opinion that the zone change herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Alvarado; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and the Zoning Map of the City of Alvarado are hereby amended by rezoning Tract 1, Abstract no. 214, Tract 29, J. Dixon Survey, and Tract 2, Abstract No. 727, Tract no. 1A, J. M. Ross Survey, Tract 3, Abstract No. 31, Tract 161, Ira Glaze Survey also known as the corner of IH35 and Hwy 67 from an "A" (Agriculture) zoning district to a "PD" (Planned Development) zoning district, City of Alvarado, Johnson County, Texas.

SECTION 2. This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Alvarado, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance involving zoning, fire safety, or public health and sanitation shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. The City Secretary of the City of Alvarado is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND SO IT IS ORDAINED.

Passed on this the 10th day of January, 2022 by a vote of ____ to ____.

ATTEST:

CITY OF ALVARADO

Debbie Thomas, City Secretary

By: _____
Jacob Wheat, Mayor Pro Tem

Alvarado 28.7838 ACRES

Drafted Plan Layout - @ January 2021



- **Pads 1 through 3:** 200' wide x 300' deep pad sites or approx. 1.4 acres.
- **Pad 4:** 200' road frontage and irregular size pad site at approx. 1.2 acres.
- **Pad 5:** 335' road frontage and irregular size pad site at approx. 1.2 acres.
- **Multi Family Area:** 14 ACRES in this area.
- **Other Comments:** Flood plain takes approximately 6-7 acres of the total acreage. Sewer and water utilities are on site. Also, from a July 2017 Traffic Count, over 30,600 cars pass this site daily.

CONCEPT SITE PLAN 1" = 200'

ALL NUMBERS ARE APPROX.

NUMBER OF APARTMENTS = 476
 NUMBER OF CARS AT 1.5/UNIT = 714 REQUIRED, 720 PROVIDED
 COMMERCIAL SPACE = 15,000 S.F. ON FIRST FLOOR

callaway
 architecture

1207 HAMPSHIRE LN, STE 105 RICHARDSON, TX-75080
 PHONE: 214.368.2525 PROJECT # 19XXX DATE 03.29.2021



CONCEPT FRONT ELEVATION - A

1" = 16' ALVARADO, TX

callaway
architecture

1207 HAMPSHIRE LN. STE. 105 RICHARDSON, TX 75080
PHONE 214.368.2525 PROJECT# 21005.02 DATE 04.19.2021



CONCEPT FRONT ELEVATION - B

1" = 16'

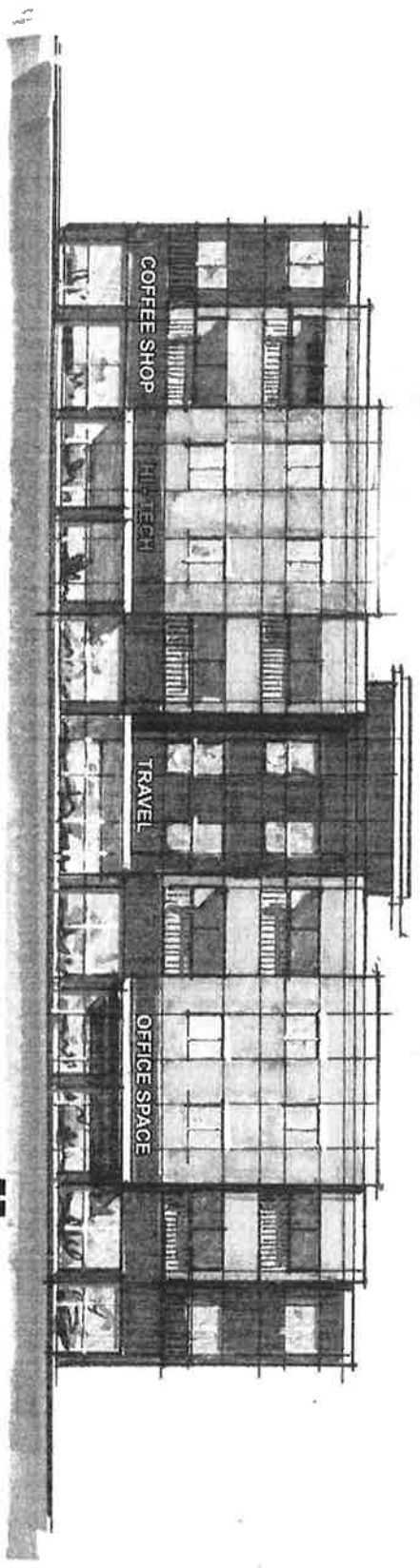
ALVARADO, TX

callaway
architecture

1207 HAMPSHIRE LN. STE. 105 RICHARDSON, TX 75080
PHONE 214.368.2525 PROJECT# 21005.02 DATE 04.19.2021



THUMBNAIL SKETCH

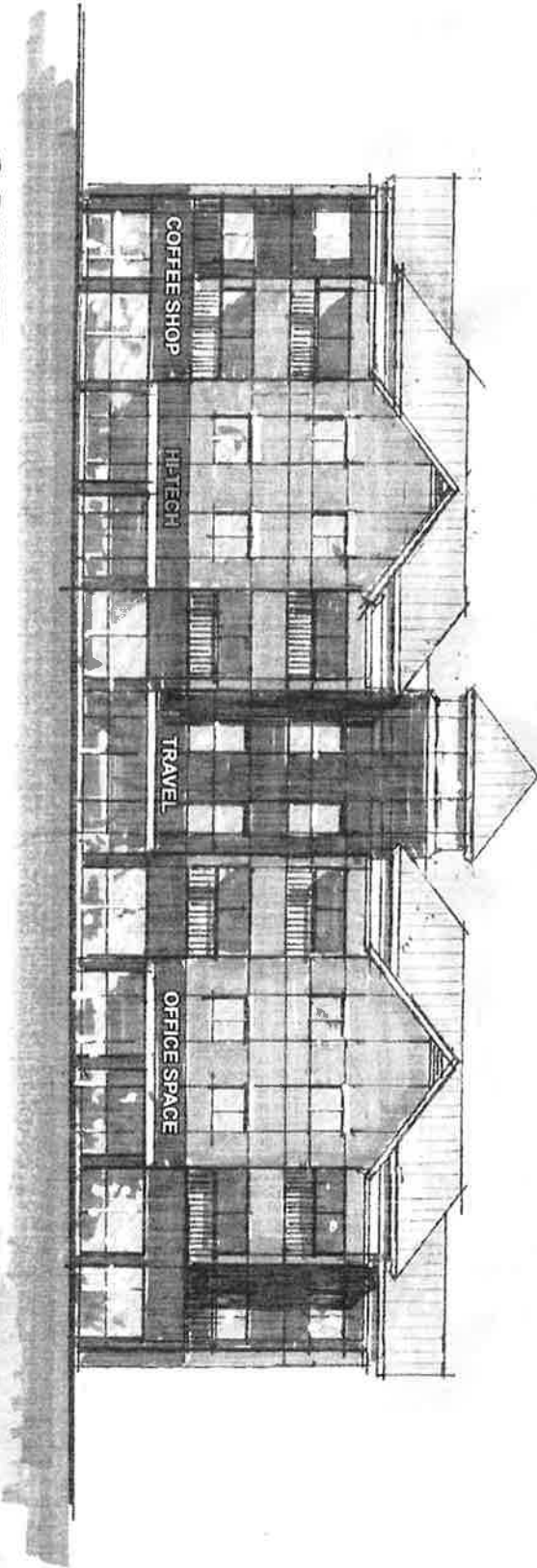


CONCEPT FRONT ELEVATION - A

1" = 16' ALVARADO, TX

Callaway
architecture

1207 HAMPSHIRE LN, STE. 105 RICHARDSON, TX 75080
PHONE: 214-388-5225 PROJECT #: 21005.02 DATE: 03.29.2021



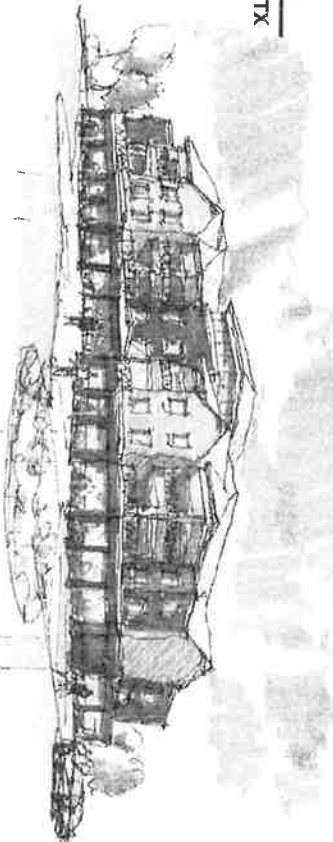
CONCEPT FRONT ELEVATION - B

ALVARADO, TX

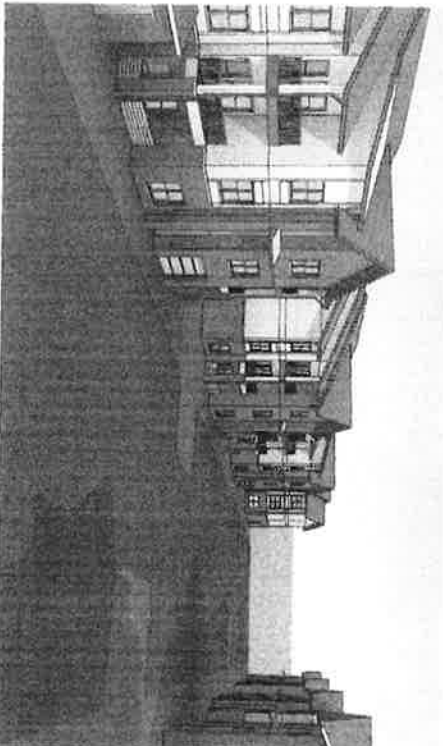
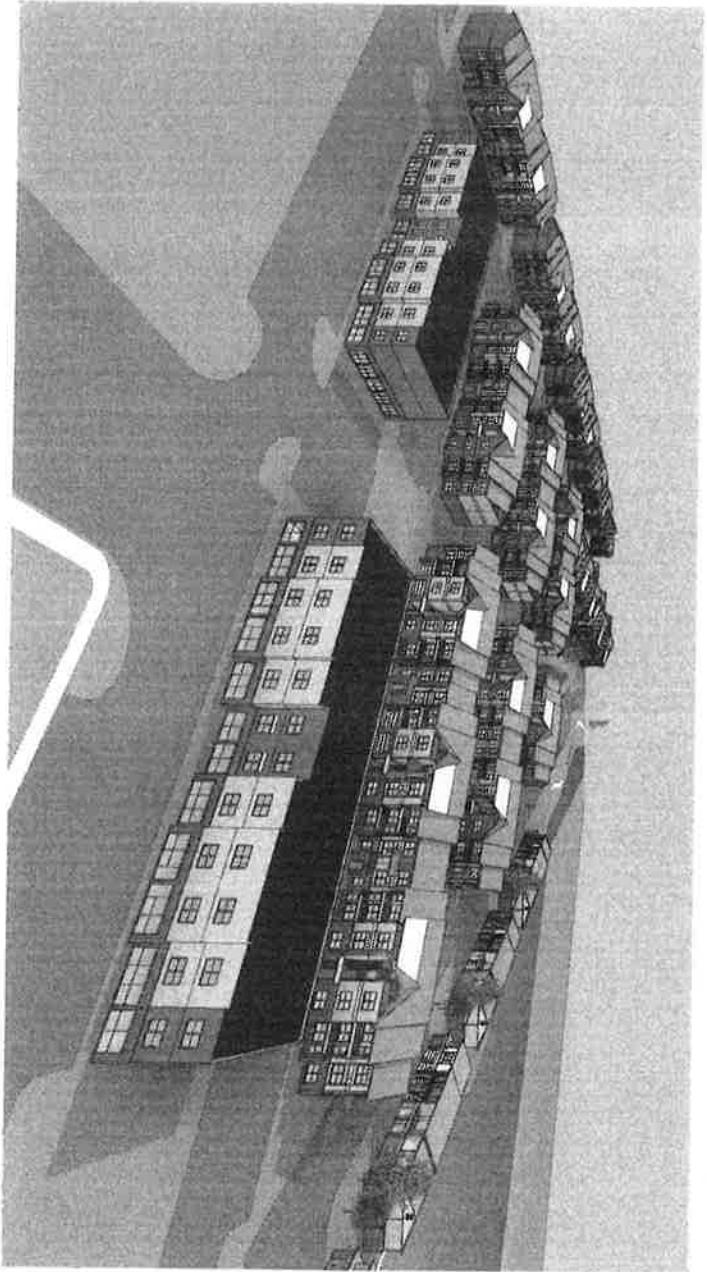
1" = 16'

Callaway
architecture

1207 HAMPSHIRE LN, STE 105 RICHARDSON, TX 75080
PHONE: 214.368.2525 PROJECT # 21005.02 DATE: 04.19.2021

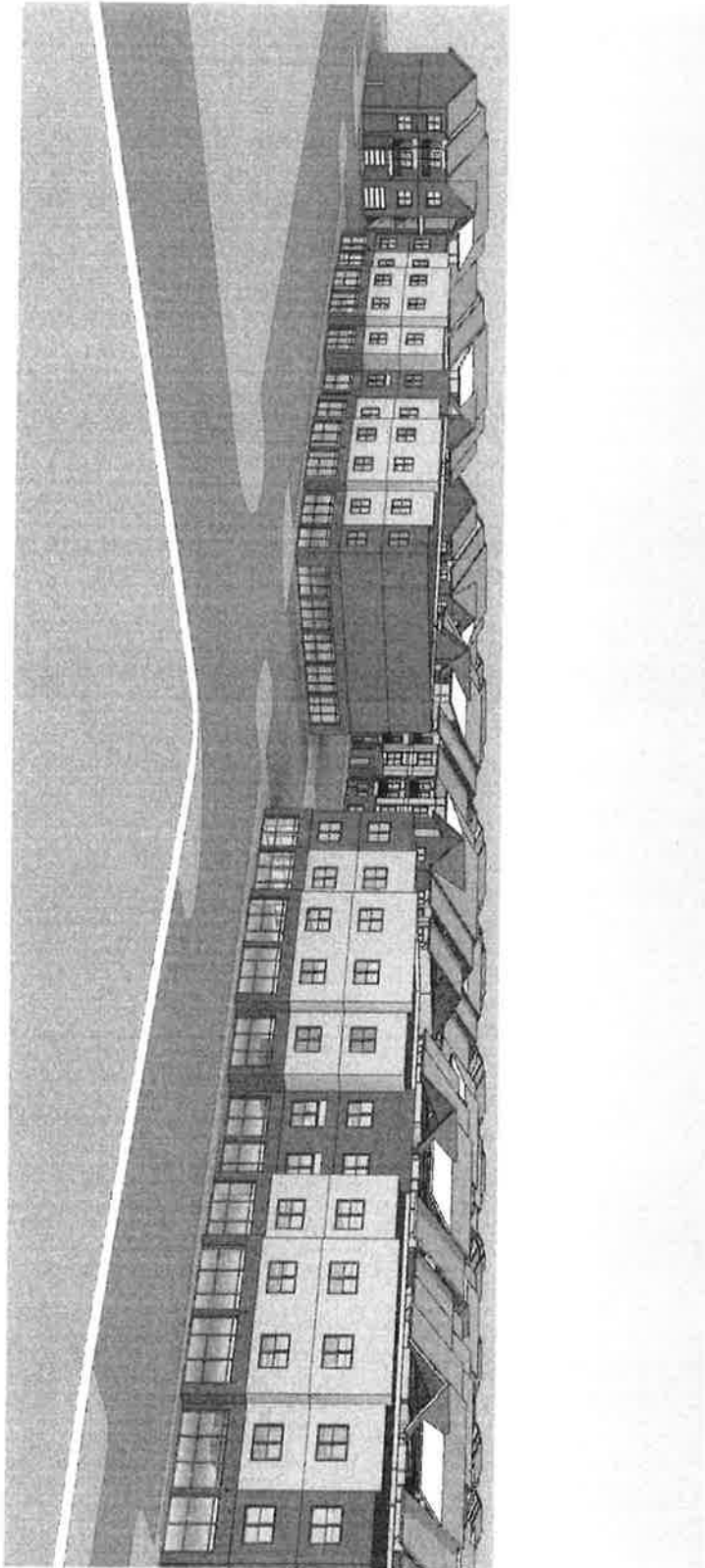


THUMBNAIL SKETCH



callaway
architecture

1207 HAMPSHIRE LN. ST#105 RICHARDSON, TX 75080
PHONE: 214.388.2525 PROJECT # 21005.02



callaway
architecture

1307 HAMPSHIRE LN. ST#105, RICHARDSON, TX 75080
PHONE: 214.366.2525 PROJECT # 21005.02



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architecture
1207 HAMPSHIRE LN, ST#105, RICHARDSON, TX 75080
PHONE: 214.368.2525 PROJECT # 21005.02



callaway
architecture
1207 HAMPSHIRE LN, ST#105, RICHARDSON, TX 75080
PHONE: 214.368.2525 PROJECT # 21005.02

SHARPTONES PRODUCTIONS, LLC.

12803 E. 136TH ST. BROKEN ARROW , OK 74011

Ph: (918) 640-7156

This agreement made this NOV. 15, 2021 ; shall henceforth be considered a legal and binding contract between the performer or performing group SHENANDOAH

WITNESSETH, that the employee, and the consideration hereinafter mentioned, covenants and agrees with the employer to provide entertainment. Ray Bingham Productions acts only as a booking agent and takes no responsibility for any action be EITHER act or buyer and only warrants that they have entered into an agreement with employee or his agent verbal or in writing for agreement for this engagement. The booking agent reserves the claim to compensate for any and all future contracts between the above mentioned Group and Purchaser, whether negotiated by the Agent or not, for 13 months from the performance date of this contract at the same percentage as this contract.

1) Name and Address of place of engagement: M7 ARENA 8001 FM 3136 ALVARADO, TX 76009

2) Date(s) starting and finishing time of engagement: SUNDAY JULY 3, 2021

3) Report time: APPROXIMATELY 3:00 PM Sound check: IMMEDIATELY AFTER LOAD IN

4) Type of engagement (dance, stage, banquet, ect.): 90 MINUTE CONCERT

Rain or Shine: YES (Terms and Amount): \$24,750 PLUS LODGING AND HOSPITALITY PER RIDER

5) Wage agreed upon: \$ TWENTY FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS PLUS SOUND, LIGHTS, LODGING, AND HOSPITALITY PER ARTIST RIDER, INCLUDING HOTEL FOR BRETT BINGHAM ON EVENING OF PERFORMANCE.

6) Employer will make payments as follows: \$12,500 PAYABLE TO SHARPTONES PRODUCTIONS LLC BY FEBRUARY 4, 2022 AND BALANCE OF \$10,000 PAYABLE TO MIKE AND MARTY PARTY, LLC DAY OF SHOW IN CASH OR CASHIER'S CHECK AND \$2250 PAYABLE TO SHARPTONES PRODUCTIONS, LLC DAY OF SHOW IN CASH OR CASHIER'S CHECK

7) Additional instructions: MERCH SALES 100% TO ARTIST. NO PRINT OR SOCIAL MEDIA ADVERTISING UNTIL AFTER JUNE 4, 2022. VERY IMPORTANT

Witness whereof, the buyer and agent have hereunto set their hands, the day and year first above written

BRETT BINGHAM FOR SHARPTONES PRODUCTOINS
AGENT'S NAME

JACOB WHEAT FOR CITY OF ALVARADO, TX
BUYER

Signature of Agent

Signature of Representative

12803 E. 136th St.
Address

201 E. COLLEGE ST.
Address

BROKEN ARROW OK 74011
City State Zip

ALVARADO TX 76009
City State Zip

BRETT@SHARPTONESPRODUCTIONS.COM 918-640-7156
Email and Phone Number

WHEATJ@CITYOFALVARADO.ORG 817-790-3351
Email and Phone Number

Accepted by

Todd Massey at venue 817-832-9763

For

Who to contact on day of show

**CITY OF ALVARADO
ANNEXATION SERVICE PLAN**

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Alvarado, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Alvarado, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Alvarado, Texas will provide fire protection and ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Alvarado, Texas, with similar topography, land use and population with the City.

3. SOLID WASTE COLLECTION

At the present time the City of Alvarado, Texas, is using a designated, specified contractor for collection of solid waste and refuse within the city limits of the City of Alvarado, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced. Residents of the annexed area with existing contracts with a solid waste removal provider may continue to use that provider for up to two (2) years from the effective date of the annexation ordinance if they choose.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the City of Alvarado, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Alvarado, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Alvarado, Texas, to the extent of its ownership.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Alvarado, Texas, or which are owned by the City of Alvarado, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way,

roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Alvarado, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Alvarado, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Alvarado, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Alvarado, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Alvarado, Texas, is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Alvarado, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Alvarado, Texas.

CAPITAL IMPROVEMENTS

1. GENERAL

a. The City policy for extending water and wastewater service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances; provided, however only to the extent that a third party is not the certificated utility provider for the area.

b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Alvarado, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical services. The City

Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Alvarado, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

3. WATER FACILITIES

The City Council of the City of Alvarado, Texas, has determined that the area to be annexed is currently served by Johnson County Special Utility District and in other areas water service is available for point of service connection from the certificated water service provider, or the area is rural and adequately served by existing water systems. Therefore, capital improvements are not necessary to provide full municipal services for water. The City is not the certificated water utility provider for the area.

4. WASTE WATER FACILITIES

The City Council of the City of Alvarado, Texas, has determined that the area to be annexed will be served by City of Alvarado sewer within two and one half years of the annexation. Therefore, additional capital improvements are not needed to provide full municipal sewer services. The extension of the sewer main will be in accordance with the City's utility policies. Upon connection to existing mains, sewer will be provided at rates established by the City.

5. ROADS AND STREETS

Within 2 years, the City of Alvarado, Texas, with a cooperative effort of the City's designated utility company will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Alvarado, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdevelopment of the annexed property. Developers will be required pursuant to the ordinances of the City of Alvarado, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Alvarado, Texas, for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

SPECIFIC FINDINGS

The City Council of the City of Alvarado, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Alvarado, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Alvarado, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Alvarado, Texas who reside in areas of similar topography, land utilization, and population.

APPROVED THIS THE 10TH DAY OF JANUARY, 2022.

City of Alvarado, Texas

Jacob Wheat, Mayor

ATTEST:

Debbie Thomas, City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS APPROVING A PETITION FOR THE VOLUNTARY ANNEXATION OF APPROXIMATELY 70.388 ACRES OF LAND LOCATED WITHIN THE ANDREW SPIVA SURVEY, ABSTRACT NO. 700; BEING ALL OF A CALLED TRACT OF LAND DESCRIBED IN THE DEED TO DOMINGO GARCIA PEREZ, AS RECORDED IN VOLUME 2017, PAGE 542 OF THE DEED RECORDS OF JOHNSON COUNTY, TEXAS; AS REQUESTED BY ALVARADO BY MORNING, LLC; PROVIDING FOR THE ANNEXATION INTO THE CITY OF ALVARADO SAID PROPERTY FOR ALL MUNICIPAL PURPOSES; EXTENDING THE BOUNDARY LIMITS OF THE CITY TO INCLUDE THE DESCRIBED PROPERTY IN THE CITY LIMITS; AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR AMENDMENT TO THE OFFICIAL MAP; DIRECTING THE CITY SECRETARY TO FILE COPY WITH COUNTY CLERK AND APPRAISAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a Type A general-law municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Local Government Code and the laws of the State authorize the annexation of territory by the City, subject to the requirements therein and the laws of this State; and

WHEREAS, the property owner, Alvarado By Morning LLC, has submitted a petition for voluntary annexation of approximately 70.388 acres of land in accordance with Section 43.0671 of the Texas Local Government Code; and

WHEREAS, after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, a public hearing on the proposed annexation was held before the Alvarado City Council at their regular meeting on January 10, 2022 after due notice in the manner provided by law; and

WHEREAS, all of the property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the City of Alvarado; and

WHEREAS, a Service Agreement has been negotiated and approved and is attached to this Ordinance;

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

SECTION 1. ANNEXATION

That all portions of the following parcel (the "Territory") located in Johnson County, Texas, being comprised of approximately 70.388 acres of territory described as abstract 700, out of the Andrew Spiva Survey, Johnson County, Texas, is hereby annexed to the City of Alvarado as a part of the city for all municipal purposes, and the city limits are extended to include such Territory, being more particularly described on Exhibit "A" attached to and incorporated in this Ordinance for all purposes.

SECTION 2. RIGHTS AND DUTIES OF OWNERS AND INHABITANTS IN NEWLY ANNEXED AREA

The owners and inhabitants of the Territory are entitled to all of the rights and privileges of all other citizens and property owners of the City of Alvarado, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

SECTION 3. OFFICIAL MAP

The official map and boundaries of the City, previously adopted, are amended to include the Territory as a part of the City of Alvarado, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory annexed as required by law.

SECTION 4. FILING CERTIFIED COPY

The City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the office of the county clerk of Johnson County, Texas and with the Johnson County Appraisal District. The City Secretary is authorized to file all other notices of this ordinance as required under any law of the State.

SECTION 5. SERVICE PLAN

The Service Plan, attached as Exhibit "B" and incorporated in this Ordinance, has been approved and is hereby made a part of this ordinance for all purposes.

SECTION 6. CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Alvarado, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. SEVERABILITY CLAUSE

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

SECTION 8. AREAS EXCEPTED FROM ANNEXATION

Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Alvarado, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Alvarado every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed to the City of Alvarado any lands or area which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Alvarado's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 9. EFFECTIVE CLAUSE

This ordinance shall be in full force and effect from and after its passage,

AND IT IS SO ORDAINED.

PASSED by a vote of _____ to _____ this 10th day of January, 2022.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Debbie Thomas, City Secretary

PETITION REQUESTING ANNEXATION

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

**TO THE MAYOR AND GOVERNING BODY OF THE CITY OF ALVARADO,
JOHNSON COUNTY, TEXAS:**

The undersigned owner of a portion of the hereinafter described tracts of land, being more particularly described by metes and bounds description in Exhibit "A" (the "Area"), attached hereto and incorporated herein by reference for all purposes of this Petition, does hereby petition your Honorable Body to annex all parts of the Area into the City of Alvarado so that the entire Area shall be included within the incorporated City of Alvarado, Texas, and does hereby certify and represent the following:

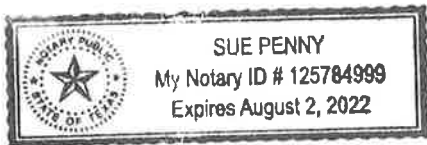
- 1. The Area is contiguous to the existing corporate limits of City of Alvarado; and
 - 2. The area is not included in the extra territorial jurisdiction of any other municipality;
- and
- 3. The Area is vacant and without residents or has less than three qualified resident voters.



 Owner

STATE OF TEXAS ' '
 ' '
COUNTY OF JOHNSON ' '

This instrument was acknowledged before me on the 3rd day of September, 2021, by Sue Penny.



Sue Penny

 Notary Public in and for the
 State of Texas

My Commission Expires:

August 2, 2022

Sue Penny

 Type or Print Notary's Name

Part of the ANDREW SPIVE SURVEY, Abstract No. 700, situated about 12.1 miles North 67° East of the courthouse in Cleburne, the county seat for Johnson County, Texas; embracing all of Tract 1, being all of a called 70.388 acre tract of land described in the deed to Domingo Garcia Perez, as recorded in Volume 2017, Page 542 of the Deed Records of Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the northeast corner of 70.388, the northwest corner of a called 33.041 acre tract of land described in the deed to R & A, Inc., as recorded in Document No. 2017-25507 of the Official Public Records of Johnson County, Texas and being in the south line of Gulf Coast and Santa Fe Railroad;

THENCE South 0°44'336" West, along the common line of said 70.388 and said 33.041 acre tract, to and along the west line of a tract of land described in the deed to Joel Gregory Bean as recorded in Volume 1681, Page 632 of said Deed Records, a distance of 1670.10 feet to a 1/2" iron rod found for the southeast corner of 70.388 and the northeast corner of a called 17.851 acre tract of land described in the deed to Conrado Gonzalez and Irma Gonzalez as recorded in Volume 3363, Page 891 of said Deed Records;

THENCE North 86°35'37" West, along the common line of 70.388 and said 17.851 acre tract, to and along the north line of a called 1.0 acre tract of land described in the deed to Conrado Gonzalez and Irma Gonzalez as recorded in Document No. 10244 of said Official Public Records, a distance of 1801.45 feet to a capped 5/8" iron rod set marked "AWARD SURV RPLS 5606" for the southwest corner of 70.388, the northwest corner of said 1.0 acre tract and being in the east line of a called 266.579 acre tract

THENCE North 0°23'4" East, along the common line of 70.388 and said 266.579 acre tract, a distance of 1738.09 feet to a concrete monument found for the northwest corner of 70.388 and said 266.579 acre tract and being in said south line of Gulf Coast and Santa Fe Railroad;

THENCE South 84°28'7" East, along the common line of 70.388 and said in said south line of Gulf Coast and Santa Fe Railroad a distance of 1816.90 feet to the POINT OF BEGINNING and containing 70.5989 acres or 3,075,286 square feet of land;

