

**CITY OF ALVARADO
County of Johnson
State of Texas
May 15, 2023
City Council Minutes**

The City Council of the City of Alvarado met in Regular Called Session on Monday, May 15, 2023 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
Scott Arthur	Councilperson
Beverly Short	Councilperson

The following were absent for roll call:

Michael Bennett	Councilperson
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Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Laura Cox	Chief Financial Officer
Ashley Dierker	City Attorney
Donielle Suber	Assistant to the City Manager
Justin French	Community Dev. Director
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Teddy May	Police Chief
Michael Dwiggin	Public Works Director

Mayor Jacob Wheat call the meeting to order at 6:30 p.m. and Chaplain Wade Taylor gave the invocation.

PLEDGE OF ALLEGIANCE

PEACE OFFICER MEMORIAL Mayor Wheat read a proclamation declaring May 15-May 21st as National Police Week 2023, to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a

dedicated service to their communities and in doing so, have earned for themselves an enduring reputation for preserving the rights and security of all citizens.

PUBLIC COMMENTS- Jayme Jones updated Council on events taking place in Alvarado.

INTRODUCTION OF NEW EMPLOYEES- None

AGENDA ITEM #1 - 4

CONSENT AGENDA

1. Approve minutes from the 4/17/2023 City Council Meeting
2. Consideration and action to change the date of the June meeting to June 26, 2023 due to the Juneteenth Holiday being observed on the regular meeting date.
3. Consideration and action regarding a letter of engagement with Waters, Vollmering, and Associates LLP to perform the annual audit for fiscal year 2022, and authorizing the Mayor and/or City Manager to execute any documents in connection therewith. (Cox)
4. Consideration and action to authorize the City Manager to execute a construction contract with the Demo Company, in the amount of \$15,623.00, to provide for the asbestos abatement and mold remediation at (Administration Building) 107 E. College Avenue, Alvarado, Texas. (Suber)

Motion was made by Lydia Moon and seconded by Beverly Short to approve the consent agenda.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #5

CONSIDERATION AND ACTION TO CANVAS THE RESULTS OF THE MAY 6, 2023 SPECIAL ELECTION.

May 6, 2023, an historic election was held in the City of Alvarado to approve a city charter and become a Home Rule City.

197 voters cast ballots and the proposition was passed with 64% in favor and 36% opposed.

Once Council has canvased the election results and approved the ordinance, it will be sent to the Secretary of State who will certify the election and change the designation of Alvarado from General Law A to Home Rule.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the canvas of the results of the May 6, 2023 Special Election.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #6

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0013, DECLARING THE RESULTS OF THE MAY 6, 2023 SPECIAL ELECTION AND CONFIRMING THAT THE CITY OF ALVARADO IS NOW A HOME RULE CITY.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve Ordinance 2023-0013 confirming that the City of Alvarado is now a Home Rule city.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #7

SWEAR IN NEWLY ELECTED COUNCIL MEMBERS.

City Secretary Beth Walls gave the Oath of Office to the following Council Members:

Beverly Short- Ward I	Term of Office 2023-2025
Cherry Bryant- Ward II	Term of Office 2023-2026*
Scott Arthur- Ward III	Term of Office 2023-2026*

* With the passing of the Charter, Council terms are changed to 3 years with two council seats being up for election each year. These terms reflect the transition to that format.

No Council Action Required.

AGENDA ITEM #8

CONSIDERATION AND ACTION TO APPOINT ONE OF THE COUNCILMEMBERS AS MAYOR PRO TEM WHO SHALL HOLD OFFICE FOR ONE (1) YEAR AS SET FORTH IN SECTION 3.08 OF THE ALVARADO CITY CHARTER.

Motion was made by Cherry Bryant and seconded by Kevin Thomas to elect Lydia Moon to the position of Mayor Pro Tem for the year ending May 2024.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #9

CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH BIRKHOFF, HENDRICKS, & CARTER, LLP FOR PROFESSIONAL ENGINEERING SERVICES

**FOR THE ATCHLEY AVENUE (FROM S CUMMINGS DRIVE TO S MAGNOLIA ST.)
REHABILITATION PROJECT.**

As a continuation towards achieving the goals of the *'Fix the Dang Roads'* program that was initiated by the Council last year, City staff is ready to move forward with the design of Atchley Street (from South Cummings Dr to South Magnolia Street) rehabilitation project.

Atchley Street is the top priority project among a list of street rehabilitation projects that were identified from an in-house study earlier this year. The list of priority projects was presented to the City Council in the February 20th Council meeting.

The length of the segment of Atchley Street between South Cummings Drive and South Magnolia Street is approximately 2100 linear feet. The project intent is to provide concrete pavement for the segment between Spears Street and Sparks and Sparks Streets (including the intersections) with a 8-inch reinforced concrete roadway considering the location of the fire station facility in this segment. The rest of the segment will be constructed with new asphalt pavement.

Currently, upon City's solicitation, Birkhoff, Hendricks & Carter, LLP (BHC) has submitted a proposal to provide engineering services for the project. Design services include field survey, geotechnical investigation, design, bidding support, and construction administration support. The design is expected to be completed by September of this year. Construction begin date is anticipated to be sometime in December of this year.

BHC has satisfactorily provided engineering design services for various projects for the last few years, and has expertise in providing needed design services for the Atchley Street Rehabilitation project.

Motion was made by Lydia Moon and seconded by Kevin Thomas to authorize the City Manager to execute the agreement for professional engineering services for the Atchley Avenue rehabilitation project with Birkhoff, Hendricks & Carter, LLP.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #10

**CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO
EXECUTE AN ENGINEERING AGREEMENT WITH AGUIRRE & FIELDS FOR
PROVIDING PROFESSIONAL ENGINEERING SERVICES FOR THE NORTH
CUMMINGS DRIVE RECONSTRUCTION PROJECT.**

The subject project is a TxDOT and City of Alvarado jointly funded project for the reconstruction of North Cummings Drive from US Hwy 67 to north of FM 508 (see attached map). The Existing roadway is a 2-lane facility. The proposed reconstruction

will provide a 3-lane facility, with one travel lane for each direction and a center turn lane/median. Additional improvements that will be provided with the reconstruction are improved drainage facility, sidewalk on both sides of the street, improvements to existing traffic signal system at the intersection with US Hwy 67, pedestrian safety measures near the schools.

The City entered into Advanced Funding Agreement (AFA) earlier this year. As per the AFA, the City will be responsible for engineering design, environmental clearance, right-of-way acquisitions, and all utility relocations necessary to accommodate the reconstruction. Upon acquisition of rights-of-way, utility relocations and completion of the design, TxDOT will take over the project for letting and will administer the project construction.

As a first step in the selection process of a firm to provide professional engineering services, the City advertised Request for Qualifications in late February, with a due date April 14th to submit proposals. The City received proposals from four (4) well qualified firms as listed below:

- 1) Aguirre & Fields, LP, Fort Worth, TX
- 2) DEC – North Texas, LLC, Fort Worth, TX
- 3) Pacheco Koch, Fort Worth, TX
- 4) Peloton Land Solutions, Fort Worth, TX

All four proposals were evaluated and scored by a selection committee that consisted of City Manager, Public Works Director, Community Development Director, and Interim City Engineer. Aguirre & Fields came out as the top ranked firm after tabulating all the scoring and found to be most suited to provide professional engineering services for the project. Also, verification references for Aguirre & Fields on their past performance for other clients' projects came out very positive.

The City staff has completed review and negotiations of scope and fee proposal by Aguirre & Fields for the engineering services necessary for the project. The proposed fee is \$1,476,686 (fee schedule is attached). The proposed fee is fair and reasonable for the efforts needed to provide effective professional engineering services for the project.

A tentative schedule for the project design has been provided by Aguirre & Fields (project schedule is attached). As per the schedule, the project will be ready to let the project for construction by TxDOT by early 2025. The construction period is expected to be approximately one year.

An approval from TxDOT is necessary before the City can execute the engineer contract with Aguirre & Fields. TxDOT is currently reviewing the contract. With the City Council approval today to award the engineering contract to Aguirre & Fields, the City Manager will execute the contract as soon receiving approval from TxDOT.

Motion was made by Lydia Moon and seconded by Kevin Thomas to authorize the City Manager to execute the agreement for professional engineering services for the North Cummings Drive Reconstruction project with Aguirre & Fields LP.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #11

CONSIDERATION AND ACTION TO REJECT ALL BIDS FOR THE LAKEVIEW DRIVE PARKING LOT CONSTRUCTION PROJECT. (RAMACHANDRA)

Upon completion of a design in February to provide a concrete parking lot adjacent to Lakeview Drive near Shirley Drive (see the attached map), the City advertised request price proposal (RFP). Teague Nall and Perkins, Inc (TNP) provided the design for the project. In response to the RFP, the city received three (3) price proposals by the specified due date of May 9th. Firm names and price proposals received are listed below:

- | | |
|---------------------------|---|
| 1) PMGR Development Group | - Proposed price is \$84,635.42. |
| 2) 123 Builders Co. | - Proposed price is \$76,164. |
| 3) Barricades Plus | - \$2,390.70 (incomplete, did not submit prices for all items). |

The City received only two (2) proposals that meet the RFP requirements despite reaching out to several contractors in the DFW area to participate in the RFP process. Price proposals received from the two participants are much higher than the engineer's cost estimate of \$35,000. The city Staff also believe that the prices will come out more competitive with higher participation by construction contractors.

Staff recommend rejecting all price proposals received on May 9th.

Motion was made by Lydia Moon and seconded by Beverly Short to reject all bids for the Lakeview Drive Parking Lot Construction Project.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #12

PRESENTATION ON PROPOSED IMPROVEMENTS TO PECAN ORCHARD WALKING TRAILS.

The city staff reviewed the feasibility and advantages of providing a walking trail in the Pecan Orchard property, owned by the City of Alvarado, located at the southeast corner of South Parkway Drive and West College Street. The property, owned by the City of Alvarado, has an area of approximately 2.6 acres.

City staff looked at the feasibility of providing a walking trail with a pedestrian bridge across the creek that runs through the park. Existing crosswalks at the intersection of South Parkway Drive and West College Street provide pedestrian connectivity between Parkway Park and College Park. Also, the existing sidewalk along the south side of West College Street provides access to the proposed walking trail.

As **Phase One**, a walking trail (probably 6' wide) that connects to the existing sidewalk along West College Street is recommended. This task can be accomplished by clearing the vegetation along the path of the proposed trail and providing either a crushed stone or mulched trail. The city staff is currently evaluating the option of partly achieving the task in-house (clearing vegetation) and installing the trail with the help of a vendor. Phase One can be achieved in less than a month from the date of beginning of the work. *(Propose Phase One is shown in solid red line in the attached map).*

Phase Two can be adding a wooden pedestrian bridge and connecting the walking trail to the intersection of South Parkway Drive and West College Street. The city staff is currently working on contacting vendors to obtain budgetary pricing for a wooden pedestrian bridge specific to the location where it is proposed to be installed.

No Council Action Required.

AGENDA ITEM #13

NOMINATION AND ACTION TO APPOINT MEMBERS TO THE CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE.

Per Chapter 395 of the Texas Local Government Code, the City shall update the capital Improvement Program (CIP) and Impact Fee Report at least every five years. The report can be updated sooner than five years. It is typical for the cities experiencing high growth, like that the City of Alvarado is currently experiencing, to update the CIP and Impact Fee Report more frequently than every five years.

The City is currently working on updating the CIP and Impact Fee Report. The existing CIP and Impact Fee Report were developed in June 2019. Birkhoff, Hendricks & Carter, LLP has been retained by the City to update the report. Currently, drafts of the maps and new lists of capital improvement plan projects for water, wastewater and streets are being finalized.

The City Council shall appoint a Capital Improvements Program Advisory Committee (CIPAC) to assist the City in various aspects such as and not limited to advising and adopting land use assumptions, reviewing the CIP, reviewing written comments during the public hearing period, monitoring and evaluating implementation of the CIP. In the case of the City of Alvarado, CIPAC must be composed of at least five (5) members of which at least forty percent (40%) of members must representatives of the real estate, development or building industries and one (1) member must be a representative of the Alvarado extraterritorial jurisdiction (ETJ).

Below is a list of individuals that expressed interest in serving on CIPAC.

1. Larry Pool (Developer)
2. Sandra Rendon (Realtor)
3. Jameye Jones (ETJ Resident)
4. Pam Jones
5. Larry Harris

Motion was made by Beverly Short and seconded by Lydia Moon to approve the nominations of Larry Pool, Sandra Rendon, Jameye Jones, Pam Jones and Larry Harris to the Capital Improvement Plan Advisory Committee.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #14

PUBLIC HEARING, CONSIDERATION AND ACTION APPROVING ORDINANCE 2023-0011 OF THE CITY OF ALVARADO, TEXAS, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 21.679 ACRES, BEING A PORTION OF A TRACT IN THE JOHN M. ROSS SURVEY, ABSTRACT 737, GENERALLY LOCATED SOUTH OF CR 508 AND EAST OF N. CUMMINGS DRIVE, INTO THE CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS. (AGAVE TRAILS TRACT B)

Mayor Wheat opened the Public Hearing at: 7:21 p.m.

On February 21, 2022, the Alvarado City Council approved Ordinance No. 2022-002 that annexed 120.04 acres at the request of Agave Trail Development LLC. The Alvarado ISD petitioned for the voluntary annexation of the subject 21.679 acres that has been conveyed to Agave Trail Development LLC, who has provided consent to the annexation. The subject site is intended to be rezoned and developed with single-family residences as part of a revised Agave Trail Addition development.

The Public Hearing was closed at: 7:25 p.m.

Motion was made by Kevin Thomas and seconded by Lydia Moon to approve Ordinance 2023-0011, annexing by voluntary petition a approximately 21.679 acres, being a portion of a tract in the John M. Ross Survey, Abstract 737, generally located south of CR 508 and east of N. Cumming Drive into the corporate limits of the City of Alvarado, Texas.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #15

CONSIDERATION AND ACTION REGARDING THE APPLICATION OF HEATH VOYLES WITH WESTFALL ENGINEERING ON BEHALF OF SHAW DEVELOPMENT GROUP, LLC FOR THE PARKVIEW AT ALVARADO APARTMENTS ADDITION PRELIMINARY PLAT ON 29.021 ACRES KNOWN AS TRACT 161 IN THE I. GLAZE SURVEY, A-313, TRACT 29A IN THE J. DIXON SURVEY, A-214, AND TRACT 1A IN THE J. M. ROSS SURVEY, A-737, APPROXIMATELY ADDRESSED AT 600 N. PARKWAY DRIVE. (PARKVIEW AT ALVARADO APARTMENTS)

Motion was made by Lydia Moon and seconded by Kevin Thomas to table this item until a future meeting at the request of the applicant.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #16

CONSIDERATION AND ACTION ON ORDINANCE 2023-0012, AUTHORIZING THE ISSUANCE OF CERTIFICATES OF OBLIGATION.

Motion was made by Lydia Moon and seconded by Beverly Short to table adoption of Ordinance until the next meeting of the City Council to occur at 6:30 p.m. on June 26, 2023 at this location.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #17

PRESENTATION CONCERNING ABANDONING WATER WELL PERMIT WITH PRAIRIELANDS CONSERVATION DISTRICT.

No Council action required.

EXECUTIVE SESSION:

PURSUANT TO THE TEXAS OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DELIBERATE REGARDING THE FOLLOWING MATTERS:

1. § 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 PROVISIONS OF CHAPTER 551, INCLUDING THE FOLLOWING ITEMS:

A. ANY ITEM LISTED ON THE AGENDA.

B. POTENTIAL DONATION TO THE CITY AND PERMITTED USES OF DONATED FUNDS/ITEMS.

C. SEWER INFRASTRUCTURE.

2. SECTION § 551.073. DELIBERATION REGARDING A PROSPECTIVE GIFT OR DONATION. THE CITY COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DELIBERATE A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY.

Mayor Wheat announced the Executive Session started at: 7:40 p.m.

Mayor Wheat reconvened regular session at 8:20 p.m.

AGENDA ITEM #18

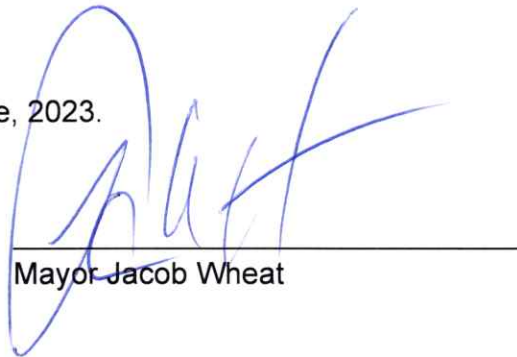
CONVENE BACK INTO OPEN SESSION TO TAKE ACTION NECESSARY AS A RESULT OF ITEMS LEGALLY DISCUSSED IN EXECUTIVE SESSION.

No action taken.

The mayor announced to Council that there will be a Budget Workshop either June 1st or June 8th. More information to be provided.

Mayor adjourned meeting at 8:22 p.m.

Passed and approved this the 26th day of June, 2023.



Mayor Jacob Wheat

Respectfully Submitted,



Beth A Walls, City Secretary/HRD