

REGULAR MEETING OF THE CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
AUGUST 15, 2022
6:30 PM

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, August 15, 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 convened board of this meeting 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 convened board has no obligation to respond in any matter to comments or questions from the public. Any response from a member of the convened Board 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 a future meeting.

INTRODUCTION OF NEW EMPLOYEES

CONSENT AGENDA:

1. Approve minutes from the July 18, 2022 City Council Meeting.
2. Approve amended minutes for the June 6, 2022 City Council meeting.
3. Consideration and action regarding approval of Ordinance No. 2022-012 approving a negotiated settlement between the Atmos cities steering committee ("ACSC") and ATMOS ENERGY CORP., Mid-Tex Divisions. (DeBuff)

NEW BUSINESS:

4. 9-11 Proclamation (Wheat)
5. Jr. R.O.T.C Training Corps Month Proclamation (Wheat)
6. Recognition of Alvarado Rodeo Champion (Wheat)
7. Consideration and action regarding approval of Fire Department Expenditures. (Hargrove)

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8. Consideration and action regarding award of Maple Street Phase II construction contract to Belt Construction. (Dwiggins)
9. Hold a public hearing regarding the creation of Whisper Park Public Improvement District. (Moline)
10. Consideration and action to approve Resolution R2022-019 authorizing and creating Whisper Park Public Improvement District (PID) in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an Effective Date. (Moline)
11. Consideration and Action to approve payment for Retail Strategies.(DeBuff)
12. Hold public hearing and consideration and action regarding an Ordinance of the City of Alvarado, Texas, annexing by voluntary petition approximately 76.93 acres in Johnson County, Texas situated generally east of the N. Cummings Drive and County Road 508 intersection and east of County Road 607, into the Corporate limits of the City of Alvarado, Texas. (Lone Oak Tract B Annexation) (Moline)
13. **CONVENE INTO EXECUTIVE SESSION**
Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council or other Board may convene in closed 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 provision of Chapter 551, including the following items:
 - a. Any posted item on the agenda.
 - b. City Manager contract provisions.
 2. §551.074 Personnel Matters. The City Council may convene in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:
 - a. City Manager Evaluation.
14. **RECONVENE INTO OPEN SESSION**
15. Consideration and action regarding amendment of City Manager contract pursuant to discussion held in Executive Session.
16. Consideration and any necessary action regarding items discussed in Executive Session.

COUNCIL COMMENTS:

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 may include, but not necessarily limited to any of the following:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary 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 salutary 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.

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: wallsb@cityofalvarado.org Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

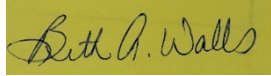
The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

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 August 12, 2022 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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A handwritten signature in black ink on a yellow rectangular background. The signature appears to read "Beth A. Walls".

Beth A Walls, TRMC, IPMA-SCP, CPM
Interim Human Resource Manager/City Secretary

CITY OF ALVARADO
County of Johnson
State of Texas
7/18/22
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, July 18, 2022 at 6:30 p.m. The following were present for roll call:

Jacob Wheat	Mayor
Lydia Moon	Mayor Pro-Tem- Virtual
Cherry Bryant	Councilperson
Beverly Short	Councilperson
Scott Arthur	Councilperson
Michael Bennett	Councilperson

The following were absent for roll call:

Kevin Thomas	Councilperson
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Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Ashley Dierker	City Attorney
Paula Hardison	Finance Director
Michael Dwiggin	Public Works Director
Teddy May	Police Chief
John Rodgers	Fire Chief
Reyth Garcia	Court Clerk
Emile Moline	Planning and Zoning Director

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

PUBLIC COMMENTS- Todd Massey and Tom Durlington both expressed their thanks to Council for events that have taken place in the City in the past few weeks.

CONSENT AGENDA

Motion was made by Michael Bennett and seconded by Beverly Short to approve items 1 and 2 on the consent agenda. This motion supported five votes in approval and zero votes opposed. Motion carried.

Item # 3 on was moved from the Consent Agenda and considered separately.

After some discussion about the need to be able to conduct background checks on potential employees, Beverly Short made a motion to approve the contract with FirstCheck Applicant Screening and Michael Bennett provided the second. This motion supported 5 votes in favor and zero votes opposed. Motion Carried.

PRESENTATION ON HUMAN RESOURCES/CITY SECRETARY POSITION AND COMPENSATION

Interim Human Resource Manager/City Secretary Beth A Walls gave Council an overview of the roles and responsibilities of the HR and City Secretary position and explained the challenges and opportunities for the City within the process to hire for that job.

That was followed by a high-level look at the results of the Compensation Study that was conducted in early 2022 by G.M. Cox. This study collected salary information from 8 area cities/counties, created job descriptions for 40 job titles and collected salary information for each one which gave the City the ability to look at an average low-mid-high annual pay range for each job title.

This study shed light on the fact that the pay ranges currently in place for many City of Alvarado employees was below the average market value for the area. As a result, staff has recommended two things: 1) that we move forward with implementing a Salary Pay Plan for the City of Alvarado and 2) that we utilize the Pay Plan to bring affected employees pay in line with market values.

Council was very supportive of this plan and directed staff to implement the changes with the August 10, 2022 payroll.

PRESENTATION BY CHIEF MAY REGARDING ACCOMPLISHMENTS AND GOALS.

Chief May presented Council with a 3-month update on the changes that have been made since his employment began with the City.

DISCUSSION REGARDING STOP SIGN AT SHIRLEY AND CHARLES. (DWIGGINS)

Public Works Director, Michael Dwiggins led Council in a discussion about this stop sign. No Council action was required at this time.

CONSIDERATION AND ACTION TO APPROVE PAYMENT TO OLD SETTLER'S REUNION FOR ANNUAL REUNION CELEBRATION.

Michael Bennett moved to approve payment to Old Settler's Reunion for annual reunion celebration. Cherry Bryant seconded. This motion supported five votes in approval and zero votes opposed. Motion carried.

HOLD PUBLIC HEARING REGARDING THE CREATION OF ALVARADO 215 PUBLIC IMPROVEMENT DISTRICT.

Mayor Wheat opened the public hearing at 7:37 PM. Information regarding the Public Improvement District was provided by Emile Moline. The hearing was closed at 7:38. No Council Action Required.

HOLD A PUBLIC HEARING REGARDING THE CREATION OF EAGLE GLEN NORTH PUBLIC IMPROVEMENT DISTRICT.

Mayor Wheat opened the public hearing at 7:38 PM. Information regarding the Public Improvement District was provided by Emile Moline. The hearing was closed at 7:38. No Council Action Required.

CONSIDERATION AND ACTION REGARDING APPROVAL OF RESOLUTION R2022-16 AUTHORIZING AND CREATING THE ALVARADO 215 PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATERIALS; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Cherry Bryant and to seconded by Scott Arthur to approve Resolution R2022-017 authorizing and creating the Eagle Glen North Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPROVAL OF RESOLUTION R2022-017 AUTHORIZING AND CREATING THE EAGLE GLEN NORTH PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Beverly Short and seconded by Scott Arthur to approve Resolution R2022-017 authorizing and creating the Eagle Glen North Public Improvement District in

accordance with Chapter 372 of the Texas Local Government Code. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING ORDINANCE # 2022-008B
PROCLAIMING ALVARADO TO BE A MUNICIPALITY WITH MORE THAN 5,000
INHABITANTS.**

Motion was made by Michael Bennett and seconded by Beverly Short to approve Ordinance # 2022-008B proclaiming Alvarado to be a municipality with more than 5,000 inhabitants. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

**PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING A PROPOSED
ZONING CHANGE TO ADOPT A PLANNED DEVELOPMENT ZONING ORDINANCE
(PD) FOR AN APPROXIMATELY 38.217-ACRE TRACT OF LAND SITUATED IN THE
WILLIAM HICKMAN SURVEY, ABSTRACT NO. 327 AND FOR AN
APPROXIMATELY 176.983-ACRE TRACT OF LAND SITUATED IN THE WILLIAM
HICKMAN SURVEY, ABSTRACT 327, GENERALLY LOCATED ON THE NORTH
SIDE OF E. US HIGHWAY AND BETWEEN COUNTY ROAD 207 AND COUNTY
ROAD 209, IN ALVARADO, JOHNSON COUNTY, TEXAS. 215 67 ALVARADO LLC
IS THE OWNER. (LENNAR HOMES)**

Mayor Wheat opened the public hearing at 7:40 PM. Information pertaining to the zoning change was provided by Emile Moline. The hearing was declared closed at 7:42 PM.

Motion was made by Cherry Bryant and seconded by Scott Arthur to approve Ordinance 2022-010 regarding a proposed zoning change to adopt a planned development zoning Ordinance for an approximately 38.217-acre tract of land situated in the William Hickman Survey, and an approximately 54328-acre tract of land situated in the William Hickman Survey. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

**PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING A PROPOSED
ZONING CHANGE TO ADOPT A PLANNED DEVELOPMENT ZONING ORDINANCE
(PD) FOR AN APPROXIMATELY 117.994-ACRE TRACT OF LAND SITUATED IN THE
ROBERT BELL SURVEY, ABSTRACT NO. 44 AND FOR AN APPROXIMATELY
54.328-ACRE TRACT OF LAND SITUATED IN THE ROBERT BELL SURVEY,
ABSTRACT NO. 44, THE ANDREW SPIVA SURVEY, ABSTRACT NO. 770, AND THE
ANDREW J. PATTON SURVEY, ABSTRACT NO. 684, AND BEING ALL OF A
CALLED 50.87 ACRE TRACT OF LAND DESCRIBED BY DEED TO DONALD C.
FULBRIGHT AND WIFE, NAN E. FULBRIGHT RECORDED IN VOLUME 505, PAGE**

724 OF THE DEED RECORDS OF JOHNSON COUNTY, TEXAS, AND BEING ALL OF BLOCKS 3 AND 4, BROWNS ADDITION SECTION 2, AN ADDITION TO THE CITY OF ALVARADO AS RECORDED IN VOLUME 431, PAGE 641 OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS, AND 56.422 ACRE TRACT OF LAND LOCATED IN THE ROBERT BELL SURVEY, ABSTRACT NUMBER 44, JOHNSON COUNTY, TEXAS AND BEING A PART OF A TRACT OF LAND CONVEYED TO MARION J. MOORE AND WIFE, DAWN JO ANNE MOORE AS RECORDED IN VOLUME 515, PAGE 327, DEED RECORDS, JOHNSON COUNTY, TEXAS, (D.R.J.C.T.), PART OF A TRACT OF LAND CONVEYED TO THE MARION J. MOORE & JO ANNE MOORE REVOCABLE LIVING TRUST AS RECORDED IN VOLUME 4525, PAGE 851, D.R.J.C.T., PART OF THE 1ST TRACT AND TRACTS 1, 4, 5, 7, 8 AND 9 OF LAND CONVEYED TO M.J. MOORE ET UX JOANNE MOORE AS RECORDED IN VOLUME 594, PAGE 821, D.R.J.C.T. AND BEING PART OF A TRACT OF LAND CONVEYED TO DONALD C. FULBRIGHT AND WIFE, NAN E. FULBRIGHT AS RECORDED IN VOLUME 505, PAGE 724, D.R.J.C.T. AND A TRACT OF LAND CONVEYED TO DONALD C. FULBRIGHT JR, ARTHUR KEITH FULBRIGHT & DONNA FULBRIGHT WILKINS AS RECORDED IN INSTRUMENT NUMBERS 2010-33836, 2010-33837, 2010-33838, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, GENERALLY LOCATED NORTH OF COUNTY ROAD 108C, SOUTH OF EAST DAVIS AVENUE, AND WEST OF FM 1807, IN ALVARADO, JOHNSON COUNTY, TEXAS WHERE ALL MENTIONED ROADS INTERSECT. BLOOMFIELD HOMES L.P. IS THE OWNER. (WHISPER PARK)

Mayor Wheat opened the public hearing at 7:44 PM. Information pertaining to the zoning change was provided by Emile Moline. The hearing was declared closed at 7:44 PM.

Motion was made by Cherry Bryant and seconded by Scott Arthur to approve Ordinance 2022-011 regarding a proposed zoning change to adopt a planned development zoning ordinance (PD) for an approximately 117.994-acre tract of land situated in the Robert Bell Survey, Abstract No. 44 and for an approximately 54.328-acre tract of land situated in the Robert Bell Survey, Abstract No. 44, the Andrew Spiva Survey, Abstract No. 770, and the Andrew J. Patton Survey, Abstract No. 684, and being all of a called 50.87 acre tract of land described by deed to Donald C. Fulbright and wife, Nan E. Fulbright recorded in Volume 505, Page 724 of the Deed Records of Johnson County, Texas, and being all of Blocks 3 and 4, Browns Addition Section 2, an addition to the City of Alvarado as recorded in Volume 431, Page 641 of the Plat Records of Johnson County, Texas, and 56.422 acre tract of land located in the Robert Bell Survey, Abstract Number 44, Johnson County, Texas and being a part of a tract of land conveyed to Marion J. Moore and Wife, Dawn Jo Anne Moore as recorded in Volume 515, Page 327, Deed Records, Johnson County, Texas, (D.R.J.C.T.), part of a tract of land conveyed to The Marion J. Moore & Jo Anne Moore Revocable Living Trust as recorded in Volume 4525, Page 851, D.R.J.C.T., part of the 1st tract and Tracts 1, 4, 5, 7, 8 and 9 of land conveyed to M.J. Moore et ux Joanne Moore as recorded in Volume 594, Page 821, D.R.J.C.T. and being part of a tract of land conveyed to

Donald C. Fulbright and Wife, Nan E. Fulbright as Regular City Council Meeting Agenda July 18, 2022 Page 3 recorded in Volume 505, Page 724, D.R.J.C.T. and a tract of land conveyed to Donald C. Fulbright JR, Arthur Keith Fulbright & Donna Fulbright Wilkins as recorded in Instrument Numbers 2010-33836, 2010-33837, 2010-33838, Official Public Records, Johnson County, Texas, generally located North of County Road 108C, South of East Davis Avenue, and West of FM 1807, in Alvarado, Johnson County, Texas where all mentioned roads intersect. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPROVAL OF ORDINANCE NO. 2022-009 PROVIDING FOR THE ABANDONMENT AND RELEASE OF THE CITY'S INTEREST IN A PORTION OF AN EIGHTY-FOOT RIGHT-OF-WAY DEDICATED TO THE CITY BY PLAT ON JULY 13, 1883; PROVIDING FOR RECORDING OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE. (EZELL ST. PARTIAL ROW ABANDONMENT) (MOLINE)

Motion was made by Cherry Bryant and to seconded by Beverly Short to approve Ordinance 2022-009 providing for the abandonment and release of the City's interest in a portion of an eighty-foot right-of-way dedicated to the City by plat on July 13, 1883. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING A PROPOSED REPLAT FOR THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ANDREW J. PATTON SURVEY, ABSTRACT NO. 684, AND BEING ALL OF LOTS 3-6, BLOCK 70, ALVARADO ACCORDING TO THE MAP THEREOF APPROVED BY THE TOWN COUNCIL ON JULY 13, 1883, AND FILED OF RECORD IN VOLUME 26, PAGE 640, DEED RECORDS OF JOHNSON COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND CONVEYED TO TRAILBLAZER HOMES, LLC, ACCORDING TO THE DEED FILED OF RECORD AS COUNTY CLERK INSTRUMENT #2021-12952, OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS, AS REQUESTED BY TRAILBLAZER HOMES, LLC. (TRAILBLAZER HOMES REPLAT) (MOLINE)

Mayor Wheat opened the public hearing at 7:50 PM. Information pertaining to the replat was provided by Emile Moline. The hearing was declared closed at 7:52 PM.

Motion was made by Beverly Short and to seconded by Cheryl Bryant to approve a replat for a certain tract or parcel of land lying and being situated in the Andrew J. Patton Survey, Abstract No. 684, Lots 3-6, Block 70. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING A PROPOSED REPLAT FOR THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING A 0.496 ACRE TRACT OF LAND AND BEING LOTS 4 - 9, BLOCK 69, OF THE ORIGINAL TOWN OF ALVARADO, AN ADDITION IN TO THE CITY OF ALVARADO, ACCORDING TO THE PLAT RECORDED IN VOLUME 26, PAGE 640, OF THE DEED RECORDS, OF JOHNSON COUNTY, TEXAS ALSO BEING CONVEYED TO CM JACKSON ENTERPRISES LLC, A TEXAS LIMITED LIABILITY COMPANY AS RECORDED IN INSTRUMENT NO. 2020-21013 DEED RECORDS, JOHNSON COUNTY TEXAS, AS REQUESTED BY CM JACKSON ENTERPRISES, LLC. (CM JACKSON ENTERPRISES REPLAT) (MOLINE)

Mayor Wheat opened the public hearing at 7:52 PM. Information pertaining to the replat was provided by Emile Moline. The hearing was declared closed at 7:57 PM.

Motion was made by Scott Arthur and seconded by Michael Bennett to approve a replat for 0.486-acre tract of land, Lots 4-9, Block 69 of Old Town Alvarado. This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 76.3 ACRES IN JOHNSON COUNTY, TEXAS, SITUATED GENERALLY EAST OF THE N. CUMMINGS DRIVE AND COUNT ROAD 508 INTERSECTION AND EAST OF COUNTY ROAD 607, INTO THE CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS. (LONE OAK TRACT B ANNEXATION)

Hearing was continued to the next council meeting with no action taken.

There being no further business, the mayor adjourned the meeting at 8:03 p.m.

Passed and approved this the 15th day of August, 2022.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls- Interim City Secretary

CITY OF ALVARADO
County of Johnson
State of Texas
06/06/2022
City Council Minutes.

The City Council of the City of Alvarado met in a Special Called Session on Monday, June 6, 2022 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
Scott Arthur	Councilperson

The following were absent for roll call:

Michael Bennett	Councilperson
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Others Present:

Paul DeBuff	City Manager
Beth A Walls	Interim City Secretary
Ashley Dierker	City Attorney
Michael Dwiggin	Public Works Director
John Rodgers	Fire Chief
Teddy May	Police Chief
Paula Hardison	Finance Director
Reyth Garcia	Court Clerk
Emile Moline	Planning and Zoning Director

Mayor Jacob Wheat call the meeting to order at 6:48 p.m. and gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Council heard comments regarding the Johnson County Early Settlers Reunion.

CONSENT AGENDA

Motion was made by Mayor Pro-Tem Moon and seconded by Councilmember Thomas to approve the consent agenda as presented. This motion supported five votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION REGARDING A PROPOSED ZONING CHANGE TO ADOPT A PLANNED DEVELOPMENT ZONING ORDINANCE (pd) FOR AN APPROXIMATELY 128.673-ACRE TRACT OF LAND SITUATED IN THE JOHN M. ROSS SURVEY, ABSTRACT NO. 737.

Mayor Wheat opened the public hearing at 6:35 PM. Information pertaining to the zoning change was provided by Emile Moline. He told Council that the City acknowledges that an application to zone the Property as a planned development district has been submitted consistent with the Development Standards as they could see in Exhibit L, and, concurrently with the approval of this Agreement, or as soon as practicable thereafter the City shall consider a zoning ordinance for the Property consistent with the Concept Plan, the Development Standards, and applicable provisions of this Agreement. The Developer agreed to develop the Property consistent with the Concept Plan, the Development Standards, and the zoning ordinance, as may be amended. The hearing was declared closed at 6:45 PM. Councilmember Thomas moved to approve Ordinance 2022-007 regarding proposed zoning change as amended. Mayor Pro-Tem Moon seconded the motion. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING RESOLUTION 2022-011 OF THE CITY OF ALVARADO, TEXAS ACCEPTING THE PETITION FOR ANNEXATION BY 215 67 ALVARADO LLC. FOR AN APPROXIMATELY 38.217-ACRE TRACT OF LAND SITUATED IN THE WILLIAM HICKMAN SURVEY, ABSTRACT NO. 327, JOHNSON COUNTY, TEXAS.

Mayor Pro-Tem Moon moved to approve the petition for annexation by 215 67 Alvarado LLC. Councilmember Short seconded. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING RESOLUTION 2022-012 OF THE CITY OF ALVARADO, TEXAS ACCEPTING THE PETITION FOR ANNEXATION BY BLOOMFIELD HOMES, LP. FOR A 174.77-ACRE TRACT OF LAND SITUATED IN THE ROBERT BELL SURVEY, ABSTRACT NO. 684, JOHNSON COUNTY, TEXAS.

Motion was made by Councilmember Bryant to approve petition for annexation by Bloomfield Homes, LP and seconded by Mayor Pro-Tem Moon. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AGREEMENT BETWEEN THE CITY OF ALVARADO AND STRATEGIC GOVERNMENT RESOURCES TO PROVIDE ASSISTANCE TO THE FINANCE DEPARTMENT.

Motion to approve the agreement between the City of Alvarado and Strategic Government Resources was made by Councilmember Bryant and seconded by Councilmember Short. This motion supported five votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 76.3 ACRES IN JOHNSON COUNTY, TEXAS, SITUATED GENERALLY EAST OF THE N. CUMMINGS DRIVE AND COUNT ROAD 508 INTERSECTION AND EAST OF COUNTY ROAD 607, INTO THE CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS. (LONE OAK TRACT B ANNEXATION)

Hearing was continued to the next council meeting with no action taken.

There being no further business, the Mayor adjourned the meeting at 6:46 p.m.

Passed and approved as amended this the 15th day of August, 2022.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls- Interim City Secretary

ORDINANCE NO. 2022-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Alvarado, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company's 2022 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF _____, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE _____ DAY OF _____, 2022.

Mayor, Jacob Wheat

ATTEST:

City Secretary, Beth A Walls

APPROVED AS TO FORM:

City Attorney

9-11 PROCLAMATION

WHEREAS, on September 11, 2001, people of all ages and levels of society, across America and around the world, collectively witnessed an event of immense tragedy and the American people endured, with courage and heroism, the worst terrorist attack on U.S. soil in our nation's history; and

WHEREAS the events of that day instantly transformed everyone's lives through personal loss and others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, in response to this tragedy, an unprecedented historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, courage and service and Americans across the country came together in a remarkable spirit of patriotism and unity and conducted countless acts of kindness, generosity, and compassion; and

WHEREAS there were 2977 lives lost in the crashes, fires and collapse of the World Trade Twin Towers, the Pentagon, and the field in Pennsylvania: and

WHEREAS Congress enacted into law April 21, 2009, that each year on September 11 that be it proclaimed and recognized as an annual "National Day of Service and Remembrance"; and a commemoration be conducted each September 11 throughout the land to include:

- The promotion of global peace and goodwill.
- The demonstration of America's resolve and perseverance to win the war on terrorism.
- The advancement of responsible citizenship.
- The encouragement of patriotism and love of country; and
- The poignant remembrance of those innocent victims who died September 11, as heroes, everyone.

WHEREAS, participating in service and remembrance activities on September 11 is a positive and respectful way to remember the lives of the 343 firefighters, sixty police officers, eight paramedics who died instantly when the Twin Towers collapsed: and

WHEREAS we honor the servicemembers who, in the years that followed, answered the call to protect the lives of people here and abroad against terrorism; and

WHEREAS, Johnson County's Alvarado's Truitt-Bishop American Legion Post #426 Family, together with other military service organizations, community organizations and patriots from all walks of life began observing the anniversary of September 11th as a charitable day of service to honor the memory of those who were lost and those who united in response to the tragedy, including first-responders and volunteers; and

WHEREAS Twenty-One years have passed and on September 11, 2022, and on the days leading up to and following this day, citizens of Johnson County, Texas have an opportunity to participate in activities that honor 9/11 victims and heroes by joining together in service projects to meet community needs.

NOW, THEREFORE, I, Mayor Jacob Wheat, do hereby proclaim September 11th a Day of Service and Remembrance in Alvarado and call upon the people of Alvarado to honor the lives and memories of those lost through the flying of the flag of the United States at half-staff, through moments of silence, as well as participation in community service and remembrance ceremonies on this day:

9/11 REMEMBRANCE DAY – ALVARADO PATRIOT DAY



J.R.O.T.C. CADET PROCLAMATION

- Whereas,** the Junior Reserve Officer's Training Corps (JROTC) helps prepare students to lead positive, productive and rewarding lives by teaching personal responsibility, enhancing leadership skills, experiencing the value of teamwork and discovering the benefits of self-confidence; and
- Whereas,** the outcomes of the JROTC program include the ability to act with integrity and personal accountability while leading others to succeed in a diverse and global workforce; to engage in civic and social concerns of the community, government and society; to graduate prepared to excel in postsecondary options; to make decisions that promote positive social, emotional and physical health; and to value the role of the military and other service organizations; and
- Whereas,** JROTC cadets are expected to demonstrate their sense of responsibility to the larger community through regular participation in service events; and
- Whereas,** JROTC cadets and units receive awards that recognize their loyalty, academic excellence, physical fitness, and citizenship among the many other organizations they participate with; and
- Whereas,** we recognize the dedication retired military personnel who share their wealth of experience and knowledge with these young men and women; and
- Whereas,** in Alvarado, Texas, we recognize the value and importance of the JROTC in assisting young people to become leaders and good citizens.
- Now, Therefore,** be it Resolved that I, Jacob Wheat, Mayor of Alvarado, Texas do hereby proclaim September 2022 as.

Junior Reserve Officers; Training Corps Month

And encourage all citizens to join me in this observance.

In Witness Whereof, I have hereunto set my hand and cause the seal of Alvarado, Texas to be affixed on this proclamation, done at the City Council meeting, this the fifteenth day of August in the year of our Lord, Two Thousand Twenty-Two year of the State.



Mayor, Jacob Wheat



In Recognition of Cutter Farrington



***WHEREAS,** Alvarado has been blessed with an abundance of talented individuals; and*

***WHEREAS,** personal achievements come through much hard work and dedication, with countless hours spent in practice and competition; and*

***WHEREAS,** Cutter Farrington has been competing in rodeo since 9 months old, having won his first buckle before the age of 1, progressing to sheep riding and then calf riding; and*

***WHEREAS,** at the age of 9 and for the second year in a row, Cutter is the Reserve Champion at the Wrangler Youth Bull Riders World Finals placing 2nd in the World;*

***NOW, THEREFORE,** Alvarado is honored to recognize Cutter Farrington for his exciting, hard-fought accomplishments and we express our sincere congratulations, looking forward to what amazing things this young man will continue to achieve.*

***IN WITNESS WHEREOF,** I have set my hand and caused the seal of this City to be affixed, this 15th day of August, 2022.*

Jacob Wheat
Mayor of Alvarado, Texas

August 5, 2022

Mr. Michael Dwiggins
Public Works Director
City of Alvarado
104 W. College
Alvarado, TX 76009

Re: Maple Avenue Interceptor – Phase II Bid Opening
Letter of Recommendation

Dear Mr. Dwiggins:

On Thursday, August 4, 2022, at 11:00 AM, two (2) general contractors' bids were received, opened, and publicly read aloud at the City of Alvarado's Senior Center located at 201 E. College for the above-referenced project. The bids received were as follows, in order from lowest to highest:

	Belt Construction of Texas, LLC	BRCT, LLC DBA Blackrock Construction
Base Bid	\$2,272,000.00	\$2,695,339.00

*Highlighted numbers were corrected for mathematical errors

Freese and Nichols, Inc. (FNI) opinion of probable construction cost was as follows:

Base Bid - \$2,200,000.00

FNI examined the two bid proposals submitted for this project to check for errors. One of the two bids received were found to have mathematical errors. This bid was adjusted accordingly based on the product of the unit price provided and the quantity of the bid item.

FNI found no errors in Belt's bid proposal. FNI also reviewed Belt's information contained on their bond and data sheets. Belt was found to be in good standing on current projects and the Bid Bond has an "A" minimum rating of performance. After checking Belt's references and financial documents, FNI has determined that Belt's work has been satisfactory and that they are in good financial standing. Based on the aforementioned, FNI recommends the City award the project to Belt Construction of Texas, LLC. in the amount of \$2,272,000.00.

Sincerely,



Robert Otey
Associate/Project Manager

cc:
Attachments

Project:	24-Inch Maple Avenue Interceptor Phase II	Project No.:
Owner:	City of Alvarado	AVR20571
Design Professional:	Freese and Nichols, Inc.	
Offeror:	Belt Construction of Texas LLC	

Base Bid

Item No.	Item Description	Unit	Estimated Quantity	Unit Price	Extended Amount
Items in Base Bid per Section 01 29 01 "Measurement and Basis for Payment"					
GENERAL					
101	Mobilization (No More Than 5% of Total)	LS	1	63,413.15	63,413.15
102	Performance, Payment Bonds, and Allowance for Insurance (No More Than 2.5% of Total)	LS	1	25,600.00	25,600.00
103	Design/Implementation Stormwater Pollution Prevention Plan (SWPPP)	LS	1	9,000.00	9,000.00
104	Pre-Construction Video (Above Ground)	LS	1	3,000.00	3,000.00
105	CCTV Existing Sewer to Verify Services Reconnected	LF	4,775	7.00	33,425.00
106	Construction Staking	LS	1	9,000.00	9,000.00
SANITARY SEWER					
107	24-Inch Sanitary Sewer Pipe By Open Cut	LF	2,876	275.00	790,900.00
108	24-Inch Sanitary Sewer Pipe By Other Than Open Cut	LF	150	1,400.00	210,000.00
109	12-Inch PVC (SDR-26) By Open Cut	LF	52	245.00	12,740.00
110	Trench Safety System	LF	2,928	1.00	2,928.00
111	Connection to Existing Sewer	EA	9	4,500.00	40,500.00
112	4-Inch Sewer Service (SDR-26) (10'-40' Long)	EA	35	7,000.00	245,000.00
113	4-Inch PVC Sewer Service Replacement	LF	20	385.00	7,700.00
114	Standard 5-Foot Diameter Sewer Manhole up to 10-Feet	EA	8	20,000.00	160,000.00
115	Standard 5-Foot Diameter Sewer Manhole Additional Depth	VF	40	800.00	32,000.00
116	Standard 5-Foot Diameter Drop Sewer Manhole up to 10-Feet	EA	3	26,000.00	78,000.00
117	Standard 5-Foot Diameter Drop Sewer Manhole Additional Depth	VF	11	800.00	8,800.00
118	Standard 5-Foot Diameter Polymer Drop Sewer Manhole up to 10-Feet	EA	1	44,000.00	44,000.00
119	Standard 5-Foot Diameter Polymer Drop Sewer Manhole Additional Depth	VF	6	800.00	4,800.00
120	Remove Existing Manhole	EA	5	4,300.00	21,500.00
121	Abandon Existing Manhole	EA	6	5,500.00	33,000.00
122	Rehabilitate Existing Manhole	EA	1	10,000.00	10,000.00
123	Barbed Wire (5-Strand Minimum) Fence (4-Foot High)	LF	193	12.00	2,316.00
124	14-Foot Barbed Wire Fence Gate (4-Foot High)	EA	3	300.00	900.00
125	Remove and Replace Mailbox	EA	5	400.00	2,000.00
126	Clearing and Grubbing	AC	3.5	7,500.00	26,250.00
127	Hydromulch Seeding	SY	8,760	3.50	30,660.00

Item No.	Item Description	Unit	Estimated Quantity	Unit Price	Extended Amount
128	Bermuda Sod as Directed by Owner	SY	1,000	9.00	9,000.00
129	Bypass Pumping (All Setups)	LS	1	60,000.00	60,000.00
130	Design/Implementation Traffic Control Plan	LS	1	6,000.00	6,000.00
131	6- to 12-Inch PVC Waterline Adjustments as Directed by Owner	LF	50	130.00	6,500.00
132	6-Inch Gate Valve as Directed by Owner	EA	1	2,600.00	2,600.00
133	8-Inch Gate Valve as Directed by Owner	EA	1	3,100.00	3,100.00
134	12-Inch Gate Valve as Directed by Owner	EA	1	4,500.00	4,500.00
135	1-Inch Water Service as Directed by Owner	EA	2	2,100.00	4,200.00
136	2-Inch Water Service as Directed by Owner	EA	2	2,600.00	5,200.00
137	Trench Safety System (Water) as Directed by Owner	LF	50	1.00	50.00
138	Additional 2" Rock For Trench Foundation Stabilization as Directed by Owner	CY	100	100.00	10,000.00
139	Additional Controlled Low-Strength Material (CLSM) as Directed by Owner	CY	100	185.00	18,500.00
140	Additional Concrete Encasement (2,000 psi) as Directed by Owner	CY	100	185.00	18,500.00
141	Additional Flowable Fill as Directed by Owner	CY	50	185.00	9,250.00
142	Management of Water (Trench Dewatering)	LS	1	50,000.00	50,000.00
143	Clay Cut-Off Walls	EA	11	2,100.00	23,100.00
144	2-Inch HMA Type C Overlay	SY	2,051	32.35	66,349.85
145	8-Inch Lime Treated Subgrade	SY	2,051	13.00	26,663.00
146	Lime	TON	40	355.00	14,200.00
147	8-Inch Cement Treated Subgrade	SY	2,051	5.00	10,255.00
148	Cement	TON	40	415.00	16,600.00
A	Total Base Bid Items Amount (Sum of Extended Amounts for each Base Bid Line Item)				2,272,000.00
B	Add (+) or Deduct (-) (See Note 1 Below)				0.00
C	Total Adjusted Base Bid Amount (A plus B)				2,272,000.00

Contractor shall identify pipe material for the following bid items (Select only one material per line):					
	24" Pipe Sanitary Sewer Pipe	☒	PVC		FRP
Contractor shall identify manhole material selected:					
	5-Foot Diameter Manhole	☒	Pre-Cast Concrete		FRP
	6-Foot Diameter Drop Sewer Manhole	N/A	Pre-Cast Concrete	N/A	FRP
					Polymer Concrete
					Polymer Concrete

Contract Time	
E	Offeror agrees to reach Substantial Completion in 300 days
F	Offeror agrees to reach Final Completion in 360 days

Notes	
1	Provision is made for Offeror to include an addition or deduction in the Bid to reflect any last minute adjustments in price. The addition or deduction, if made, will be applied proportionately to the following items designated by the Offeror as Bid Item Numbers 101 - 148.
2	Estimated quantity is approximate. Contractor shall only be paid for the actual quantity installed, and at the unit price bid.

BID SUBMITTED BY:	
Offeror:	Belt Construction of Texas, LLC
Signature:	
Printed Name:	Kyle Bass
Title:	President
Date:	8/4/22

00 45 01 NONRESIDENT BIDDERS

Texas Government Code Chapter 2252 applies to the award of government contracts to nonresident bidders. This chapter provides that:

"a government entity may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lower bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located."

"Nonresident bidder" refers to a person who is not a resident of Texas.

"Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Check the statement that is correct for Offeror:

- ☒ Offeror (includes parent company or majority owner) qualifies as a resident bidder whose principal place of business is in Texas.
- ☐ Offeror qualifies as a nonresident bidder whose principal place of business or residency is in the state of: _____

Any determination of state bidder preference law will be based on the Texas Comptroller's annual summary of other state bidder preference laws.

Offeror: Belt Construction of Texas, LLC
(typed or printed name of organization)

Signature: 
(individual's signature)

Name: Kyle Bass
(typed or printed)

Title: President
(typed or printed)

Business Address:

2908 Bethany Lane, Texarkana, TX 75503

PO Box 867, Texarkana, TX 75504

Phone: 870 772-7216 Email: 870 772-7233

(Attach evidence of authority to sign if Offeror is a corporation, partnership, or a joint venture.)

END OF SECTION



CONSTRUCTION OF TEXAS, LLC

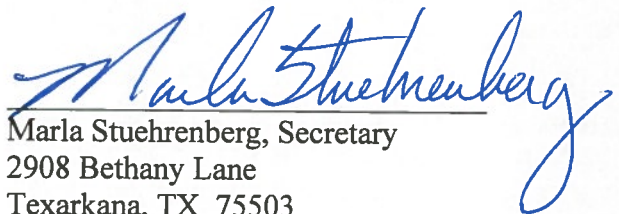
**P.O. Box 867
Texarkana, TX 75504
Office: 870-772-7216
Fax: 870-772-7233**

RESOLUTION

I hereby resolve that it was RESOLVED by a quorum of the members of BELT CONSTRUCTION OF TEXAS, LLC, meeting on the 4th of January 2022, that KYLE BASS, PRESIDENT and/or DAVID LATHAM, ESTIMATOR/PROJECT COORDINATOR, be, and hereby is/are, authorized to execute all documents necessary to the transaction of business in the State of Texas on behalf of the said BELT CONSTRUCTION OF TEXAS, LLC; and

That the above resolution was unanimously ratified by the Shareholders at said meeting and that the resolution has not been rescinded or amended and is now in full force and effect; and

In authentication of the adoption of this resolution, I subscribe my name and affix the seal of the LLC this 4th day of August 2022.

A handwritten signature in blue ink that reads "Marla Stuehrenberg". The signature is fluid and cursive, written over a horizontal line.

Marla Stuehrenberg, Secretary
2908 Bethany Lane
Texarkana, TX 75503
P.O. Box 867
Texarkana, TX 75504
State of Organization: TEXAS
Certificate File #: 803614895

00 45 02 NON-COLLUSION CERTIFICATION

STATE OF Texas §

COUNTY OF Bowie §

Owner: City of Alvarado
104 West College Street
Alvarado, Texas 76009

Contract: 24-Inch Maple Avenue Interceptor Phase II

Offeror certifies that it has not been a party to any collusion among Offerors in the restraint of freedom of competition by agreement to submit a Bid or Proposal at a fixed price or to refrain from submitting a Bid or Proposal; or with any official or employee of the Owner as to quantity, quality, or price in the prospective contract, or any other terms of said prospective contract; or in any discussion between Offerors and any official of the Owner concerning exchange of money or other thing of value for special consideration in the letting of a contract.

Certified this 4 day of August 20 22.

Offeror: Belt Construction of Texas, LLC
(typed or printed name of organization)

Signature: 
(individual's signature)

Name: Kyle Bass
(typed or printed)

Title: President
(typed or printed)

Business Address:

PO Box 867
Texarkana, TX 75504

Phone: 870 772-7216 Email: 870 772-7233

(Attach evidence of authority to sign if Offeror is a corporation, partnership, or a joint venture.)

END OF SECTION



CONSTRUCTION OF TEXAS, LLC

P.O. Box 867

Texarkana, TX 75504

Office: 870-772-7216

Fax: 870-772-7233

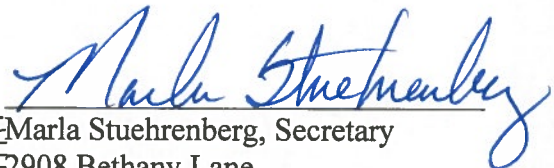
RESOLUTION

I hereby resolve that it was RESOLVED by a quorum of the members of BELT CONSTRUCTION OF TEXAS, LLC, meeting on the 4th of January 2022, that KYLE BASS, PRESIDENT and/or DAVID LATHAM, ESTIMATOR/PROJECT COORDINATOR, be, and hereby is/are, authorized to execute all documents necessary to the transaction of business in the State of Texas on behalf of the said BELT CONSTRUCTION OF TEXAS, LLC; and

That the above resolution was unanimously ratified by the Shareholders at said meeting and that the resolution has not been rescinded or amended and is now in full force and effect; and

In authentication of the adoption of this resolution, I subscribe my name and affix the seal of the LLC this 4th day of August 2022.




Marla Stuehrenberg, Secretary

2908 Bethany Lane

Texarkana, TX 75503

P.O. Box 867

Texarkana, TX 75504

State of Organization: TEXAS

Certificate File #: 803614895

CONFLICT OF INTEREST QUESTIONNAIRE**FORM CIQ****For vendor doing business with local governmental entity**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176 of the Local Government Code by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

None

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

None

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

None

6 ☐ **Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1)**

7

Signature of vendor doing business with the governmental entity

Date

8/4/22

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

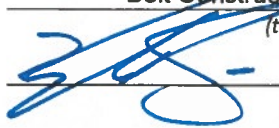
END OF SECTION

00 45 04 STATE SALES TAX REQUIREMENTS

Comply with all applicable sales, excise, and use tax requirements of the Texas Tax Code. The Offeror hereby certifies that the Contract Price is divided as follows:

Tax exempt products, materials, and services (See Notes 1 and 2)	\$	<u>730,872.00</u>
Taxable products, materials, and services (See Note 3)	\$	<u>1,541,128.00</u>
Total (See Note 4)	\$	<u>2,272,000.00</u>

Offeror: Belt Construction of Texas, LLC
(typed or printed name of organization)

Signature: 
(individual's signature)

Name: Kyle Bass
(typed or printed)

Title: President
(typed or printed)

Business Address:

PO Box 867
Texarkana, TX 75504

Phone: 870 772-7216 Email: 870 772-7233

(Attach evidence of authority to sign if Offeror is a corporation, partnership, or a joint venture.)

Notes:

1. Exempt products and materials are those items purchased for the Project which are physically incorporated into the facilities constructed for the Owner or are necessary and essential for the performance of the Work and are completely consumed at the Site. For purposes of this definition, products and materials are completely consumed if after being used once for its intended purpose it is used up or destroyed. Products and materials rented or leased for use in the performance of the Work cannot be completely consumed for the purposes of this definition.
2. Exempt services are those services performed at the Site where the Contract expressly requires the specific service to be provided or purchased by the person performing the Work or the service is integral to the performance of the Work.
3. Products, materials, and services are not tax exempt if they are used by the Contractor but are not physically incorporated into the Owner's facilities or are not consumed by construction as defined above. Machinery or equipment and its accessories and repair and replacement parts used in the performance of the Work are not exempt.
4. The total sum of the amount for tax exempt and taxable products, materials, and services must equal the Contract Price.

END OF SECTION



CONSTRUCTION OF TEXAS, LLC

**P.O. Box 867
Texarkana, TX 75504
Office: 870-772-7216
Fax: 870-772-7233**

RESOLUTION

I hereby resolve that it was RESOLVED by a quorum of the members of BELT CONSTRUCTION OF TEXAS, LLC, meeting on the 4th of January 2022, that KYLE BASS, PRESIDENT and/or DAVID LATHAM, ESTIMATOR/PROJECT COORDINATOR, be, and hereby is/are, authorized to execute all documents necessary to the transaction of business in the State of Texas on behalf of the said BELT CONSTRUCTION OF TEXAS, LLC; and

That the above resolution was unanimously ratified by the Shareholders at said meeting and that the resolution has not been rescinded or amended and is now in full force and effect; and

In authentication of the adoption of this resolution, I subscribe my name and affix the seal of the LLC this 4th day of August 2022.




Marla Stuehrenberg, Secretary
2908 Bethany Lane
Texarkana, TX 75503
P.O. Box 867
Texarkana, TX 75504
State of Organization: TEXAS
Certificate File #: 803614895

00 41 13 BID FORM

ARTICLE 1 – BID RECIPIENT

1.01 Offeror submits this Bid to:

City of Alvarado
104 West College Street
Alvarado, Texas 76009
Attention: Beth Walls
24-Inch Maple Avenue Interceptor Phase II

ARTICLE 2 – OFFEROR'S ACKNOWLEDGMENTS

- 2.01 Offeror proposes and agrees, if this Bid is accepted, to enter into an Agreement with the Owner on the form included in the Contract Documents and to perform all Work specified or indicated in Contract Documents for the Contract Price indicated in this Bid or as modified by Contract Amendment. Offeror agrees to complete the Work within the Contract Times established in the Agreement or as modified by Contract Amendment and comply with the all other terms and conditions of the Contract Documents.
- 2.02 Offeror accepts all of the terms and conditions of Section 00 11 16 "Invitation to Bid" and Section 00 21 13 "Instructions to Offerors."
- 2.03 Offeror accepts the provisions of the Agreement as to liquidated damages in the event of its failure to complete Work in accordance with the schedule set forth in the Agreement.
- 2.04 Offeror acknowledges receipt of the following Addenda:

Addendum No.	Addendum Date	Signature Acknowledging Receipt
1	8/1/22	
2	8/2/22	

ARTICLE 3 – OFFEROR'S REPRESENTATIONS

- 3.01 Offeror has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
- 3.02 Offeror has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- 3.03 Offeror is familiar with Laws and Regulations that may affect cost, progress, and performance of the Work.
- 3.04 Offeror has carefully studied the following Site-related reports and drawings as identified in the Supplementary Conditions:
- A. Geotechnical Data Reports regarding subsurface conditions at or adjacent to the Site;
 - B. Drawings of physical conditions relating to existing surface or subsurface structures at the Site;

- C. Underground Facilities referenced in reports and drawings;
 - D. Reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site; and
 - E. Technical Data related to each of these reports and drawings.
- 3.05 Offeror has considered the:
- A. Information known to the Offeror;
 - B. Information commonly known to contractors doing business in the locality of the Site;
 - C. Information and observations obtained from visits to the Site; and
 - D. The Contract Documents.
- 3.06 Offeror has considered the items identified in this Article with respect to the effect of such information, observations, and documents on:
- A. The cost, progress, and performance of the Work;
 - B. The means, methods, techniques, sequences, and procedures of construction to be employed by Offeror; and
 - C. Offeror's safety precautions and programs.
- 3.07 Offeror agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents based on the information and observations referred to in the preceding paragraphs.
- 3.08 Offeror is aware of the general nature of Work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- 3.09 Offeror has correlated the information known to the Offeror, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- 3.10 Offeror has given the Construction Manager written notice of all conflicts, errors, ambiguities, or discrepancies that the Offeror has discovered in the Contract Documents, and the written resolution provided by the Construction Manager is acceptable to the Offeror.
- 3.11 The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- 3.12 Offeror's submittal of a Bid constitutes an incontrovertible representation that, without exception, all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 4 – BASIS OF OFFER

- 4.01 Offeror will complete the Work in accordance with the Contract Documents at the unit prices shown in the attached in Section 00 41 16 "Bid Form Exhibit A":
- A. Extended amounts have been computed in accordance with the General Conditions.

- B. Offeror acknowledges that the estimated quantities are not guaranteed, and final payment for all unit price items will be based on actual quantities provided, measured as provided in the Contract Documents.
- C. Unit prices will be used to compute the actual Bid price.

ARTICLE 5 – TIME OF COMPLETION

- 5.01 Offeror agrees that the Work will be Substantially Complete and will be completed and ready for final payment in accordance with the General Conditions within the number of calendar days indicated in Section 00 41 16 "Bid Form Exhibit A."

ARTICLE 6 – ATTACHMENTS TO THIS BID

- 6.01 The following documents are attached to and made a condition of this Bid:
 - A. Section 00 41 16 "Bid Form Exhibit A."
 - B. Section 00 43 13 "Bid Bond."
 - C. Section 00 45 01 "Nonresident Bidders."
 - D. Section 00 45 02 "Non-Collusion Certification."
 - E. Section 00 45 03 "Conflict of Interest Questionnaire."
 - F. Section 00 45 04 "State Sales Tax Requirements."

ARTICLE 7 – VENUE

- 7.01 Offeror agrees that venue will lie exclusively in Johnson County, Texas for any legal action.

ARTICLE 8 – BID DELIVERY

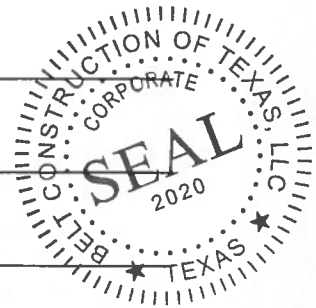
8.01 This Bid is offered by:

Offeror: Belt Construction of Texas, LLC
(typed or printed name of organization)

Signature: 
(individual's signature)

Name: Kyle Bass
(typed or printed)

Title: President
(typed or printed)



Address for giving notices:

PO Box 867
Texarkana, TX 75504

Phone: 870 772-7216 Email: david@beltinc.com

(Attach evidence of authority to sign if Offeror is a corporation, partnership, or a joint venture.)

END OF SECTION



CONSTRUCTION OF TEXAS, LLC

**P.O. Box 867
Texarkana, TX 75504
Office: 870-772-7216
Fax: 870-772-7233**

RESOLUTION

I hereby resolve that it was RESOLVED by a quorum of the members of BELT CONSTRUCTION OF TEXAS, LLC, meeting on the 4th of January 2022, that KYLE BASS, PRESIDENT and/or DAVID LATHAM, ESTIMATOR/PROJECT COORDINATOR, be, and hereby is/are, authorized to execute all documents necessary to the transaction of business in the State of Texas on behalf of the said BELT CONSTRUCTION OF TEXAS, LLC; and

That the above resolution was unanimously ratified by the Shareholders at said meeting and that the resolution has not been rescinded or amended and is now in full force and effect; and

In authentication of the adoption of this resolution, I subscribe my name and affix the seal of the LLC this 4th day of August 2022.




Marla Stuehrenberg, Secretary

2908 Bethany Lane
Texarkana, TX 75503
P.O. Box 867
Texarkana, TX 75504
State of Organization: TEXAS
Certificate File #: 803614895



Office of the Secretary of State

CERTIFICATE OF FILING OF

Belt Construction of Texas LLC
File Number: 803614895

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 05/10/2020

Effective: 05/10/2020



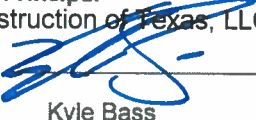
A handwritten signature in black ink, appearing to read "Ruth R. Hughs".

Ruth R. Hughs
Secretary of State

00 43 13 BID BOND

Offeror as Principal Name: Belt Construction of Texas, LLC Mailing address (principal place of business): PO Box 867 Texarkana, TX 75504	Surety Name: Atlantic Specialty Insurance Company Mailing address (principal place of business): 605 Hwy. 169, Suite 800 Plymouth, MN 55441
Owner Name: City of Alvarado Mailing address (principal place of business): 104 West College Street Alvarado, Texas 76009	Physical address (principal place of business): Same Telephone (Main): 1-469-930-7650 Telephone (Claims): 1-469-930-7650
Contract Project name and number: 24-Inch Maple Avenue Interceptor Phase II Bid/Proposal Due Date: August 4, 2022 @ 11AM	Surety's state of incorporation: New York <i>By submitting this bond, Surety affirms it is authorized to do business and licensed to execute bonds in Texas.</i>
Bond Contract Price Offered: Penal Sum of Bond: 5% of Contract Price offered Date of Bond: 08/04/2022	Local Agent for Surety Name: Collins Bruner Company: Offenhauser & Company Mailing address (principal place of business): 518 Pine Street Texarkana, TX 75501 Telephone (Main): 903-793-5511

Surety and Offeror, intending to be legally bound by this bond, do each cause this bond to be duly executed on its behalf by its authorized officer, agent, or representative. The Offeror and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally to this bond. The condition of this obligation is such that if Owner accepts Offeror's Bid or Proposal and Offeror delivers the executed Agreement and the required bonds and evidence of insurance within the time stipulated in the Bidding or Proposal Documents this obligation is null and void. Payment under this bond will be due and payable upon default by Offeror and within 30 calendar days after receipt by Offeror and Surety of written notice of default from Owner. Venue lies exclusively in Johnson County for any legal action.

Offeror as Principal Belt Construction of Texas, LLC	Surety Atlantic Speciality Insurance Company
Signature: 	Signature: 
Name: <u>Kyle Bass</u>	Name: <u>Jeannette D. Blanke</u>
Title: <u>President</u>	Title: <u>Atty-in-Fact.</u>
Email: <u>david@beltinc.com</u>	Email: <u>bond@fwoins.com</u> (Attach Power of Attorney)

END OF SECTION



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **R. Scott Bruner, Donald N. Morriss, Jeannette D. Blanke, Collins S. Bruner, Brenda L. Sutton, Kristina Michael Wright**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.

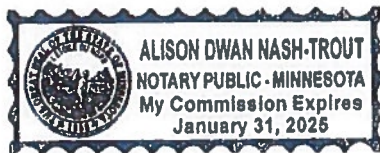
STATE OF MINNESOTA
HENNEPIN COUNTY



By

Paul J. Brehm, Senior Vice President

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 4th day of August, 2022

This Power of Attorney expires
January 31, 2025



Kara Barrow, Secretary

Owner:	City of Alvarado	Person Contacted:	Grace Sober (Project Engineer)
Project Name:	24-Inch Maple Avenue Interceptor Phase II	Telephone No.:	214-765-8731
Project No.:	AVR20571		
Contacted By:	Claire Yancey		
Reference Project:	Beck Branch Parallel Interceptor (Plano, Texas)		
Project Description:	848' 42" FRP Sewer, 614' 54" FRP Sewer to 50' depth, 2226' 54" Tunneling w/ Casing, 2ea Activated Carbon Odor Control Systems, Los Rios Interconnect, SWPPP, etc.		
Project Complete:	Yes	Completion Date:	2/26/2021
Project Manager:	Trey Linzay		
Superintendent(s):	Darion Bryan		

E = <i>Excellent</i>	G = <i>Good</i>	F = <i>Fair</i>	P = <i>Poor</i>
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Rate the Manager in the following categories:

Qualifications by experience or skills	Professional conduct and integrity	_____
Ability to manage subcontractors	Ability to work with changes	_____
Comments: Trey did a great job – smart guy. Good at communicating. When he needed an answer that required someone from above, he got it quickly. Did what he said he would. Was respectful with changes, followed procedures.		

Rate the Superintendent in the following categories:

Qualifications by experience or skills	Professional conduct and integrity	_____
Ability to manage subcontractors	Ability to work with changes	_____
Comments: Never really worked with Darion. NTMWD inspector would have more info. Bill Pannell did CM.		

Rate the Contractor's work habits and quality of the work performed:

Rate overall quality of finished project	Significant rework required	_____
Defective work corrected promptly	Quality control procedures adequate	_____
Comments: Quality was good. Only delay was at the end. Punchlist items dragged on but not excessively. Really kept to their schedule and did a good job updating schedule at monthly meetings.		

Rate the Contractor's project resources in the following categories:

Adequate and skilled foreman	Equipment quantity and condition	_____
Adequate and skilled labor force	Appropriate use of equipment	_____

Comments:

Rate the Contractor's financial management and strength:

Financial resources adequate for project	Liens by subcontractors or suppliers	_____
Personnel wage disputes	Complaints of late or non-payment	_____

Comments: No problem with wages. Trey is smart guy with good support all the way up to president of company.
Pay apps were on time. No financial problems.
There were a few change orders, what was typical. No claims.

Rate the Contractor's ability to complete and follow-up on warranty work:

Punchlist completed in reasonable time	Project staffed for timely completion	_____
Response on warranty work acceptable	Did Owner perform any warranty work?	☐ Yes ☒ No

Comments: Punchlist at the end. Nothing pipe or odor control related. Warranty was short term/seasonal.

Would you recommend award of another contract to this Contractor? ☒ Yes ☐ No

Comments or recommendations you would make to another Owner:

Belt gave full attention to the job. When they completed, it was one of their first bigger projects. Wanted to expand and win the next project.
Interesting contract. Mainly tunneling job so subcontractor did most of the work. Other pipe related they did a good job.
Big enough firm to do serious pipe work but small enough to provide responses.

Owner:	<u>City of Alvarado</u>	Person Contacted:	<u>James Nagel (Engineer)</u>
Project Name:	<u>24-Inch Maple Avenue Interceptor Phase II</u>	Telephone No.:	<u>214-638-0145</u>
Project No.:	<u>AVR20571</u>		
Contacted By:	<u>Claire Yancey</u>		
Reference Project:	<u>Wilson Creek Regional WWTP Drainage Improvements (Allen, Texas)</u>		
Project Description:	<u>2800' 24 & 36" Sewer, 375' Pipe Bursting, 120' 24" in 54" Casing by Bore, 25 Manholes, Site Prep, SWPPP, etc.</u>		
Project Complete:	<u>61% Complete</u>	Completion Date:	<u></u>
Project Manager:	<u>Trey Linzay/Pate Easterling</u>		
Superintendent(s):	<u>Darion Bryan</u>		

<i>E = Excellent</i>	<i>G = Good</i>	<i>F = Fair</i>	<i>P = Poor</i>
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Rate the Manager in the following categories:

Qualifications by experience or skills Ability to manage subcontractors	Professional conduct and integrity _____ Ability to work with changes _____
Comments: Done a great job. They don't submit a lot of change orders. Really only submit change orders when it's situations out of their control. This job had utilities all of over the place and they did a good job identifying utilities prior to the work. Job consisted of large manholes (8' diameter, 30'-40' deep). Did a good job. Belt is pretty much done with the work, but pump station they are tying into isn't. They have to come back to make the tie-ins.	

Rate the Superintendent in the following categories:

Qualifications by experience or skills Ability to manage subcontractors	Professional conduct and integrity _____ Ability to work with changes _____
Comments: No issues. Been great. Jacobs is design engineer, but not out there every day. NTMWD has third party inspector.	

Rate the Contractor's work habits and quality of the work performed:

Rate overall quality of finished project Defective work corrected promptly Comments: _____	Significant rework required _____ Quality control procedures adequate _____
--	--

Rate the Contractor's project resources in the following categories:

Adequate and skilled foreman	Equipment quantity and condition	_____
Adequate and skilled labor force	Appropriate use of equipment	_____

Comments: No issues.

Rate the Contractor's financial management and strength:

Financial resources adequate for project	Liens by subcontractors or suppliers	_____
Personnel wage disputes	Complaints of late or non-payment	_____

Comments: They were low bid when they submitted. Did previous work with the District so didn't get into any company financials.
No issues with pay requests. They get with inspector a week before due, then it's sent to engineer, and then it's approved.

Rate the Contractor's ability to complete and follow-up on warranty work:

Punchlist completed in reasonable time	Project staffed for timely completion	_____
Response on warranty work acceptable	Did Owner perform any warranty work?	☐ Yes ☒ No

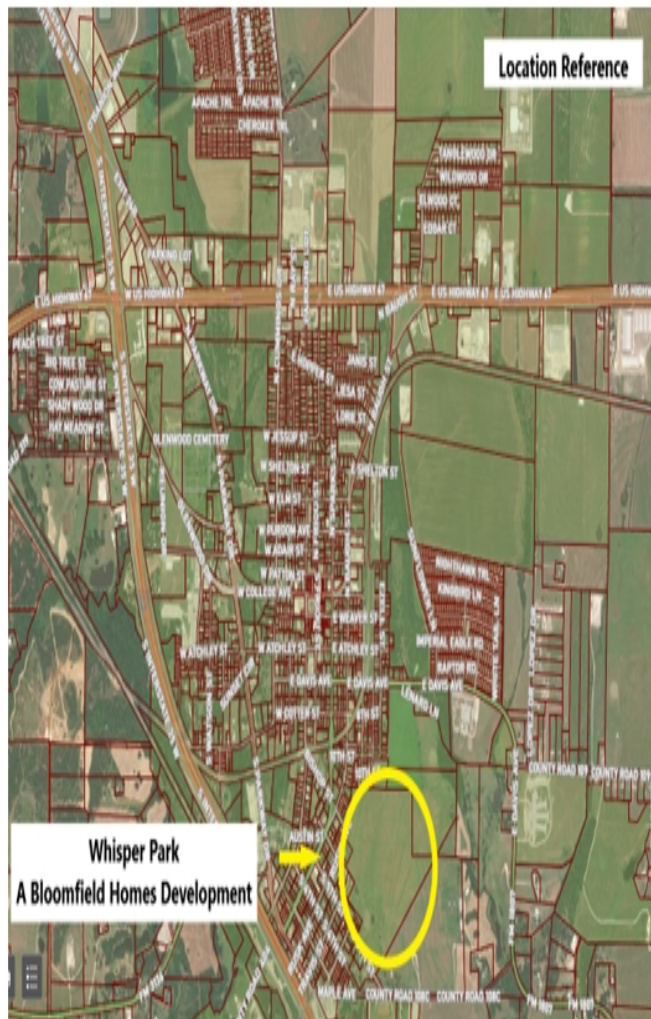
Comments: No issues.

Would you recommend award of another contract to this Contractor? ☒ Yes ☐ No

Comments or recommendations you would make to another Owner:

Jacobs has another contract with another contractor. Belt is a pleasure to work with, dealing with typical construction issues. Good Contractor to work with. Reasonable, fair, and honest.

Public Improvement District (PID) Creation



CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS
JOHNSON COUNTY
CITY OF ALVARADO

We, the undersigned officers of the City of Alvarado (the "City"), hereby certify as follows: 1. The Council convened in a regular meeting on August 15, 2022, at the designated regular meeting place, and the roll was called of the duly constituted officers and members of said Council, to wit:

Jacob Wheat	Mayor
Lydia Moon	Mayor Pro-Tem
Beverly Short	Councilmember
Cherry Bryant	Councilmember
Kevin Thomas	Councilmember
Michael Bennett	Councilmember
Scott Arthur	Councilmember

and all of said persons were present, except _____ thus constituting a quorum. Whereupon, among other business the following was transacted at said meeting: a written

A RESOLUTION REGARDING THE CREATION OF THE WHISPER PARK PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

was duly introduced for the consideration of said Council. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried, with all members of said Council shown present above voting "Aye," except as noted below:

NAYS: _____ ABSTENTIONS: _____

2. A true, full, and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said Council's minutes of said meeting; the above and foregoing paragraph is a true, full, and correct excerpt from said Council's minutes of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said Council as indicated therein; that each of the officers and members of said Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; and that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given all as required by the Texas Government Code, Chapter 551.

3. The City Council has approved and hereby approves the Resolution; and the Mayor and City Secretary hereby declare that their signing of this certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED ON AUGUST 15, 2022.

City Secretary

Mayor

(CITY SEAL)

Resolution Creating Whisper Park Public Improvement District (August 15, 2022)

A RESOLUTION REGARDING THE CREATION OF THE WHISPER PARK PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

WHEREAS, the City of Alvarado, Texas (the **City**) is authorized by Chapter 372, Texas Local Government Code, as amended (the **Act**) to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district;

WHEREAS, there was submitted to and filed with the City Secretary of the City pursuant to the Act that certain "Petition for Creation of the Whisper Park Public Improvement District within the City of Alvarado, Texas" (the **Petition**) requesting the establishment of a public improvement district with the boundaries as described in the Petition and Exhibit B attached hereto and to be known as the "Whisper Park Public Improvement District" (the **District**);

WHEREAS, the City Council of the City (the **City Council**) received the Petition and determined that it satisfied the requirements of the Act;

WHEREAS, after providing the notices required by the Act and by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the **Open Meetings Act**), the City Council convened the public hearing to determine the advisability of creating and establishing the District and undertaking the public improvement projects described in the Petition;

WHEREAS, such public meeting was convened on August 15, 2022 and all owners of property located within the District and all other interested persons were given the opportunity at such public hearings to speak for or against the creation of the District and the proposed public improvements;

WHEREAS, the City Council has made findings based on the information contained in the petition presented to the City Council and the comments received at the public hearing. Now, therefore,

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

Section 1. The City Council hereby approves the statements contained in the preamble of this Resolution and finds that all statements are true and correct and incorporate the same in the body of this Resolution.

Section 2. The City Council, after considering the Petition and the evidence and testimony presented at the public hearing, hereby finds and determines that:

- (a) the Petition was filed with the City Secretary and was signed by owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current appraisal roll of the appraisal district in which the property is located, and by the record owners of real property liable for assessment under the proposal who own taxable real property that constitutes more than 50 percent of the area of all real property that is liable for assessment under the proposal;
- (b) the proposed public improvements described in the Petition are of the nature of the public improvements described in Section 372.003 of the Act and are advisable and desirable improvements for the District;

- (c) the proposed public improvements will promote the interests of the City and are of the nature that will confer a special benefit on all property within the District by enhancing the value of such property located within the District;
- (d) the nature of the proposed improvements and estimated costs thereof are set forth and described in Exhibit A attached hereto and made a part hereof for all purposes;
- (e) the boundaries of the District include all of the property that is set forth and described in Exhibit B attached hereto and made a part hereof for all purposes;
- (f) the assessment of costs of the proposed public improvements will be levied on each parcel of property within the Public Improvement District in a manner that results in imposing equal shares of the costs on property similarly benefitted;
- (g) the costs of the proposed public improvements shall be paid by assessment of the property within the District. The City will pay none of the costs of the proposed public improvements. Any remaining costs of the proposed public improvements will be paid from sources other than assessment of the property within the District, as further described in Exhibit A;
- (h) the management of the District will be by the City with the assistance of a third-party administrator hired by the City and paid as part of the annual administrative cost of the District; and
- (i) the District shall be managed without the creation of an advisory body.

Section 3. Based on the foregoing, the Whisper Park Public Improvement District is hereby created and the public improvements described in Exhibit A are authorized to be made in accordance with the service and assessment plan to be approved by the City Council.

Section 4. After adoption of this resolution, the City Secretary is authorized and directed to cause a copy of this resolution to be filed with the Johnson County Clerk.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The authorization of the District pursuant to this resolution shall take effect upon publication of this resolution as provided above.

[Remainder of page left blank intentionally.]

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS,
THIS 15th DAY OF AUGUST, 2022.

Mayor

ATTEST:

City Secretary

[CITY SEAL]

Resolution Creating Whisper Park Public Improvement District (August 15, 2022)

EXHIBIT A

Proposed Improvements and Estimated Costs

The purposes of the District include the design, acquisition, construction, and improvement of public improvement projects authorized by the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code, as amended (the "Act") that are necessary for the development of the property within the District, which will include: (a) street, roadway and sidewalk improvements, including related drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (b) drainage improvements and facilities; (c) parks, trails and recreational facilities improvements; (d) projects similar to those listed above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (e) acquisition of real property, interests in real property, or contract rights in connection with each Authorized Improvements; (f) payment of costs, including, without limitation, design, engineering, permitting, legal, required payment, performance and maintenance bonds, bidding, support, construction, construction management, administrative and inspection costs, associated with developing and financing the public improvements listed in (a) through (e) above; (g) payment of costs associated with operating and maintaining the public improvements listed in (a) through (e) above; (h) payment of costs of establishing, administering, and operating the District, as well as the interest, costs of issuance, reserve funds, or credit enhancement of bonds issued for the purposes described in (a) through (f) above (the "Authorized Improvements").

The estimated cost to design, acquire and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in establishment, administration and operation of the District is \$35,000,000. The estimated costs of the Authorized Improvements to be assessed against the property in the District are \$35,000,000, in addition to costs of establishing, administering and operating the District to be assessed against the property in the District. The City will pay none of the costs of the proposed improvements. The remaining costs of the proposed improvements will be paid from sources other than the City or assessments of property owners.

EXHIBIT B

METES AND BOUNDS DESCRIPTION OF PID BOUNDARY

Approximately 172.322 acres

TRACT 1: 117.994 acre tract

BEING a tract of land situated in the Robert Bell Survey, Abstract No. 44, and being all of a tract of land described by deed to M.J. Moore and wife, Joanne Moore recorded in Volume 594, Page 821 of the Deed Records of Johnson County, Texas, a portion of a tract of land described by deed to Marion J. Moore and wife, Dawn Jo Anne Moore recorded in Volume 515, Page 327 of the Deed Records of Johnson County, Texas, and a portion of a tract of land described by deed to The Marion J. Moore and Jo Anne Moore Revocable Living Trust recorded in Volume 4525, Page 851 of the Deed Records of Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found for the west corner of a tract of land described by deed to The City of Alvarado recorded in Volume 1076, Page 413 of the Deed Records of Johnson County, Texas;

THENCE South 53 degrees 07 minutes 02 seconds East, along the southwest line of said City of Alvarado tract, a distance of 200.00 feet to a chain link fence post found for the south corner of same;

THENCE North 38 degrees 01 minutes 58 seconds East, along the southeast line of said City of Alvarado tract, a distance of 200.00 feet to a chain link fence post found for corner;

THENCE North 52 degrees 42 minutes 33 seconds West, along the northwest line of said City of Alvarado tract a distance of 200.00 feet to a 3/8 inch iron rod found for the north corner of same, also lying on the west occupied line of said Moore tract recorded in Volume 594, Page 821;

THENCE North 37 degrees 02 minutes 48 seconds East, along the occupied west line of said Moore tract generally along a barbed wire fence, a distance of 44.29 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 10 degrees 42 minutes 11 seconds East, continuing along the occupied west line of said Moore tract generally along a barbed wire fence a distance of 556.08 feet to a wood fence post found for corner said fence post also lying on the south line of Brown's Addition, an addition to the City of Alvarado recorded in Volume 431, Page 645 of the Plat Records of Johnson County, Texas;

THENCE South 89 degrees 42 minutes 25 seconds East, along the south line of said Brown's Addition generally along a barbed wire fence, passing a 3/4 inch iron pipe at 123.07 feet, a 1/2 inch iron rod at 373.47 feet, a 3/4 inch iron pipe at 522.88 feet for the southwest corner of Brown's Addition Section No. 2, an addition to the City of Alvarado recorded in Volume 431, Page 641 of the Plat Records of Johnson County, continuing along the south line of said Browns Addition Section No. 2, passing a 5/8 inch iron rod at 842.66 feet being the southeast corner of said addition, and continuing for a total distance of 1485.60 feet to a T-Post found for the northeast corner of said Moore tract, and an ell corner of a tract of land described by deed to Donald C. Fulbright and wife, Nan E. Fulbright recorded in Volume 505, Page 724 of the Deed Records of Johnson County, Texas;

THENCE South 00 degrees 12 minutes 57 seconds West, along the west line of said Fulbright tract and generally along a barbed wire fence, a distance of 739.84 feet to 5/8 inch iron rod with cap stamped "TNP" set for the southwest corner of same;

THENCE South 89 degrees 33 minutes 11 seconds East, along the south line of said Fulbright tract and generally along a barbed wire fence a distance of 1062.43 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of same;

THENCE South 88 degrees 49 minutes 14 seconds East, a distance of 151.19 feet to a 5/8 inch iron rod with cap stamped "TNP" set on the north line of a tract of land described by deed to The Marion J. Moore & Jo Anne Moore Revocable Living Trust recorded in Volume 4525, Page 851 of the Deed Records of Johnson County, Texas;

THENCE South 03 degrees 23 minutes 03 seconds East, through the interior of said Marion J. Moore & Jo Anne Moore Revocable Living Trust and the interior of the aforementioned Marion J. Moore and wife, Dawn Jo Anne Moore tract, a distance of 1573.63 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner in the near center of Maple Street;

THENCE South 89 degrees 45 minutes 42 seconds West, along the near center of said Maple Street, a distance of 1943.68 feet to a 5/8 inch iron rod with cap stamped "TNP" set in said Maple Street with the intersection with the projected northeast right-of-way of N. Fifth Street (Called 80' R.O.W.);

THENCE North 47 degrees 17 minutes 29 seconds West, along the northeast right-of-way of said N. Fifth Street, a distance of 960.48 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the south corner of a tract of land described by deed to Cecil Taylor recorded in Volume 2482, Page 677 of the Deed Records of Johnson County, Texas;

THENCE North 36 degrees 26 minutes 21 seconds East, departing said N. Fifth Street, along the southeast line of said Taylor tract and generally along a barbed wire fence, a distance of 224.91 feet to a 3 inch pipe fence post found for corner;

THENCE North 56 degrees 37 minutes 01 seconds West, generally along a barbed wire fence, a distance of 373.29 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE South 41 degrees 16 minutes 53 seconds West, a distance of 13.08 feet to a 1/2 inch iron rod found for corner;

THENCE North 47 degrees 17 minutes 29 seconds West, a distance of 52.02 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 41 degrees 16 minutes 53 seconds East, a distance of 256.62 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 53 degrees 07 minutes 02 seconds West, a distance of 479.78 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 40 degrees 30 minutes 27 seconds East, a distance of 70.14 feet to the POINT OF BEGINNING containing 5,139,828 square feet, or 117.994 acres of land.

TRACT 2: 54.328 Acre tract

BEING a tract of land situated in the Robert Bell Survey, Abstract No. 44, the Andrew Spiva Survey, Abstract No. 770, and the Andrew J. Patton Survey, Abstract No. 684, and being all of a called 50.87 acre tract of land described by deed to Donald C. Fulbright and wife, Nan E. Fulbright recorded in Volume 505,

Page 724 of the Deed Records of Johnson County, Texas, and being all of Blocks 3 and 4, Browns Addition Section 2, an addition to the City of Alvarado as recorded in Volume 431, Page 641 of the Plat Records of Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the northwest corner of said 50.87 acre tract, also lying on the south right-of-way of F.M. Highway No. 1807 (E. Davis Road) (Variable R.O.W.);

THENCE South 89 degrees 39 minutes 42 seconds East, along the north line of said 50.87 acre tract and the south line of said F.M. Highway No. 1807, a distance of 461.60 feet to a 5/8 inch iron rod found for the occupied northwest corner of a tract of land described by deed to Nina Lenard and Jesse Charles Lenard recorded in Volume 3044, Page 393 of the Deed Records of Johnson County, Texas;

THENCE South 53 degrees 12 minutes 42 seconds East, along the occupied common line of said 50.87 acre tract and said Lenard tract, a distance of 193.30 feet to a 1/2 inch iron rod found for corner;

THENCE South 00 degrees 35 minutes 42 seconds East, continuing along said occupied common line, a distance of 183.80 feet to a 3 inch pipe fence post found for corner;

THENCE South 89 degrees 39 minutes 57 seconds East, continuing along said occupied common line and generally along a barbed wire fence, a distance of 575.85 feet to a 5/8 inch iron rod found for an easterly northeast corner of said 50.87 acre tract;

THENCE along the easterly occupied line of said 50.87 acre tract the following courses and distances:

South 20 degrees 20 minutes 53 seconds East, a distance of 284.80 feet to a 5/8 inch iron rod found for corner;

South 38 degrees 22 minutes 53 seconds East, a distance of 77.71 feet to a 5/8 inch iron rod found for corner;

South 63 degrees 34 minutes 46 seconds East, a distance of 68.32 feet to a Cross Tie Fence post with a 60 D nail found for corner;

South 52 degrees 23 minutes 03 seconds East, a distance of 76.83 feet to a wood fence post found for corner;

South 43 degrees 36 minutes 29 seconds East, a distance of 96.30 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 63 degrees 26 minutes 29 seconds East, a distance of 36.10 feet to a 5/8 inch iron rod found for the southeast corner of a tract of land described by deed to 275 Alvarado, LLC. (Tract 2) recorded in Volume 3566, Page 534 of the Deed Records of Johnson County, Texas;

THENCE South 67 degrees 23 minutes 29 seconds East, a distance of 121.78 feet to a 5/8 inch iron rod found for the most easterly northeast corner of said 50.87 acre tract, also lying on the west line of land described by deed to The Marion J. Moore & Jo Anne Moore Revocable Living Trust recorded in Volume 4525, Page 897 of the Deed Records of Johnson County, Texas;

THENCE South 00 degrees 51 minutes 39 seconds West, along the east line of said 50.87 acre tract and west line of said Moore tract generally along a barbed wire fence, a distance of 503.70 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the southwest corner of said Moore tract, same being the northwest corner of a tract of land described by deed to The Marion J. Moore & Jo Anne Moore Revocable Living Trust recorded in Volume 4525, Page 846 of the Deed Records of Johnson County, Texas;

THENCE South 01 degrees 03 minutes 35 seconds West, along the east line of said 50.87 acre tract and the west line of last mentioned Moore tract generally along a barbed wire fence, a distance of 561.79 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of said 50.87 acre tract, also lying on the north line of a tract of land described by deed to Marion J. Moore and wife, Dawn Jo Anne Moore recorded in Volume 515, Page 327 of the Deed Records of Johnson County, Texas;

THENCE North 89 degrees 33 minutes 11 seconds West, along the south line of said 50.87 acre tract and the north line of last mentioned Moore tract generally along a barbed wire fence, a distance of 1062.43 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the northwest corner of said Moore tract, also lying on the east line of a tract of land described by deed to M.J. Moore and wife, Joanne Moore (Tract 8 1st/ tract and Tract 9) recorded in Volume 594, Page 821 of the Deed Records of Johnson County, Texas;

THENCE North 00 degrees 12 minutes 57 seconds East, along the east line of last mentioned Moore tract generally along a barbed wire fence, a distance of 739.84 feet to a T-Post found for the northeast corner of said Moore tract;

THENCE North 89 degrees 42 minutes 25 seconds West, along the north line of last mentioned Moore tract generally along a barbed wire fence, a distance of 962.72 feet to a 1 inch iron pipe found for the southwest corner of Block 3 of the aforementioned Browns Addition, also lying on the east right-of-way of Santa Fe Street (Called 50' R.O.W.)

THENCE North 00 degrees 17 minutes 35 seconds East, along the west line of said Block 3 and the east right-of-way of said Santa Fe Street, a distance of 338.00 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the northwest corner of said Block 3;

THENCE South 89 degrees 42 minutes 25 seconds East, along the north line of said Browns Addition, a distance of 331.45 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

THENCE North 02 degrees 16 minutes 18 seconds East, a distance of 820.20 feet to the POINT OF BEGINNING, containing 2,366,530 square feet, or 54.328 acres of land.

Retail Strategies, LLC
P.O. Box 531247
Birmingham, AL 35253 US
205-313-3676
walter@retailspecialists.com

Invoice



retail strategies

BILL TO

Jacob Wheat
City of Alvarado
104 W College St
Alvarado, TX 76009

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
393-2	07/30/2022	\$40,000.00	07/30/2022	Due Upon Contract Execution	

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
Retention	Professional Consulting and Related Services Client: City of Alvarado Consultant: Retail Strategies, LLC Service period Year 2 Consulting Fee: 40,000	1	40,000.00	40,000.00

Wiring Instructions

ABA Routing Number: 062006534
Beneficiary Bank: SouthPoint Bank
Beneficiary: Retail Strategies, LLC
Beneficiary Account: 30035356

BALANCE DUE

\$40,000.00

Make Check Payable to:

Retail Strategies, LLC
P.O. Box 531247
Birmingham, AL 35253

FedEx Mailing Address
2200 Magnolia Ave South
Suite 100
Birmingham, AL 35205

CITY OF ALVARADO, TEXAS

ORDINANCE NO. 2022-0013

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 76.93 ACRES IN JOHNSON COUNTY, TEXAS, SITUATED GENERALLY EAST OF THE N. CUMMINGS DRIVE AND COUNTY ROAD 508 INTERSECTION AND EAST OF COUNTY ROAD 607, INTO THE CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS; IDENTIFYING THE CITY COUNCIL'S FINDINGS OF FACT IN SUPPORT OF THE ANNEXATION; AMENDING THE OFFICIAL MAP AND BOUNDARIES OF THE CITY; GRANTING ALL INHABITANTS OF THE ANNEXED PROPERTY ALL RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF ALVARADO, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas ("City"), is a general law municipality with all the rights and privileges attendant thereto; and

WHEREAS, Section 43.0671 of the Texas Local Government Code, "Authority to Annex Area on Request of Owners," authorizes a municipality to "annex an area if each owner of land in the area requests the annexation"; and

WHEREAS, on or about April 6, 2022, ALVARADO 429 PARTNERS, LLC, a Texas limited liability company, and GRBK EDGEWOOD LLC, a Texas limited liability company (collectively, the "Landowner") submitted to the City its Voluntary Petition for Annexation of an Area Within the Extraterritorial Jurisdiction of the City of Alvarado, Texas ("Petition for Voluntary Annexation"), said area consisting of approximately 76.93 acres in Johnson County, Texas, situated generally **east of the N. Cummings Drive and County Road 508 Intersection and east of County Road 607** ("Property"), as more particularly described by metes and bounds and depicted in the attached **Exhibit A**; and

WHEREAS, the Property is adjacent to the corporate limits of the City of Alvarado and is located entirely within the extraterritorial jurisdiction of the City; and

WHEREAS, the Landowner has represented to the City in its Petition for Voluntary Annexation that it is the sole landowner of the Property and that the Property has no residents; and

WHEREAS, the City wishes to annex the Property, and has duly accepted and considered the Petition for Voluntary Annexation; and

WHEREAS, the City Council of the City of Alvarado, Texas ("City Council"), in compliance with the laws of the State of Texas and the ordinances of the City, has given the requisite notices by publication and otherwise, and has held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in, and situated in and in the vicinity of, the Property; and

WHEREAS, the City Council has determined that ALVARADO 429 PARTNERS, LLC and GRBK EDGEWOOD LLC are the sole landowners of the Property and that the Property has no residents; and

WHEREAS, the City Council has determined that the Petition for Voluntary Annexation is otherwise consistent with the requirements of Texas law and the City's ordinances, and that this annexation, among other important criteria considered relevant by the City Council, promotes the health, safety, and general welfare of the City and the safe, orderly, efficient, and healthful development of the City; and

WHEREAS, the City Council finds that the annexation of the Property is consistent with the goals and objectives of the City's Comprehensive Plan; and **WHEREAS**, the service plan as previously entered into by the Landowner and the City and set forth in the executed Amended and Restated Development Agreement dated October 18, 2021 provides for the extension of full municipal services to the area to be annexed; and

WHEREAS, the City Council deems it to be in the best interest of the City to annex the Property into the City.

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

SECTION 1. All of the above recitals are found to be true and correct legislative and factual findings of the City Council of the City of Alvarado, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The Property described by metes and bounds and depicted in the attached **Exhibit A** is hereby annexed into the City of Alvarado, Johnson County, Texas, and made an integral part hereof, and the municipal boundaries of the City are extended to include the Property within the corporate limits of the City.

SECTION 3. Upon being annexed into the City, the zoning on the Property shall be "A –Agricultural" until such time as the zoning may be changed to another permanent zoning district.

SECTION 4. The official map and boundaries of the City of Alvarado are hereby amended and revised to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation,

SECTION 5. A service plan prepared in accordance with applicable provisions of state law pertaining to annexation, was previously entered into on October 18, 2021 and is incorporated herein for all intents and purposes.

SECTION 6. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Alvarado, Texas, and are hereby bound by all acts, ordinances, and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

SECTION 7. The City Secretary is hereby instructed to include this Ordinance in the records of the City; to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction; and to file a certified copy of this Ordinance with the County Clerk of Johnson County, Texas.

SECTION 8. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is declared illegal, invalid, or unconstitutional, or if any portion of the Property cannot be annexed by the City, such event shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, phrases, or words of this Ordinance or their application to the remaining portion of the Property.

SECTION 9. This Ordinance is effective immediately and the annexation achieved herein shall be final and complete upon the adoption of this Ordinance on the date set forth below.

PASSED, APPROVED, AND ADOPTED this ____th day of _____, 2022.

Jacob Wheat, Mayor

ATTEST:

Beth A Walls, Interim City Secretary