

**REGULAR MEETING OF THE
CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
FEBRUARY 20, 2023
6:30 PM**

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, February 20, 2023 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. Consideration and Action to approve Minutes from the 1/23/2023 Regular City Council Meeting and the 2/09/2023 Special City Council Meeting
2. Consideration and action to approve Resolution R2023-0004 amending the authorized representatives of the City of Alvarado who may direct the investment of fund into the Texas Local Government Investment Pool, a public funds investment pool which was created on behalf of entities whose investment objective, in order of priority, are preservation, liquidity and yield consistent with the Public Funds Investment Act. (Cox)
3. Consideration and action to approve Resolution R2023-0005 amending the authorized representatives of the City of Alvarado, Texas who may direct the investment of funds Multi-Bank Securities, Inc. within the Government Code Chapter 2256 Public Funds Investment Act parameters. (Cox)

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NEW BUSINESS:

4. Emergency Management Preparedness Presentation (Rodgers)
5. Presentation on Street Rehabilitation (Ramachandra)
6. Consideration and action to authorize City Manager to execute a request for proposals of professional geographical information system (GIS) services in accordance with the Alvarado Procurement Policy for Community Development Block Grant funded services. (French)
7. Hold a public hearing and consideration and action to approve Ordinance 2023-0002, adopting 2021 International Building Codes. (French)
8. Hold a public hearing and consideration and action to approve Ordinance 2023-0003, amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances, by amending the definition of subdivision. (French)
9. Hold a public hearing and consideration and action to approve Ordinance 2023-0004 amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances by adopting updates to the Design Standards Manual of the City for the design and construction of all water and sewer systems, streets and drainage facilities in the City. (French)
10. Consideration and Action to approve Amendment No. 1 to the Construction Management At Risk Services Agreement with Archer Western Construction, LLC. (Dwiggins)
11. Consideration and action to award bid for cuts on Cummings. (Dwiggins)

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: §551.071 Consultation with Attorney. The City Council or other Board may convene in Executive Session to conduct a private consultation with its Attorney on any legally posted agenda item, when the City Council or other Board seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items: a. Any posted item on the agenda. b. TGC Section 551.074: Deliberation on the appointment, employment, evaluation, duties, discipline or dismissal of a public officer or employee: Court Administrator

RETURN TO OPEN SESSION:

12. Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

COUNCIL COMMENTS:

Pursuant to LGC Section 551.0415, City Council Members may make a report about

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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.

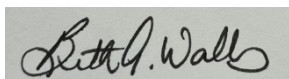
ACCESSIBILITY STATEMENT

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 February 17, 2023 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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Beth A Walls, TRMC, IPMA-SCP, CPM
City Secretary/HRD

CITY OF ALVARADO
County of Johnson
State of Texas
01/23/23
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, January 23, 2023 at 6:30 p.m. The following were present for roll call:

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

The following were absent for roll call:
Others Present:

None

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Ashley Dierker	City Attorney
Justin French	Community Dev. Director
Reyth Garcia	Court Clerk
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Emile Moline	Planning and Zoning Director
Teddy May	Police Chief
Michael Dwiggins	Public Works Director

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS- Jameye Jones- upcoming events. Jeff Soule with Alvarado Range Riders expressing concerns about water at their facility.

INTRODUCTION OF NEW EMPLOYEES- Laura Cox and Beth Walls were introduced.

AGENDA ITEM #1, 2, & 3

CONSENT AGENDA

- Consideration and action to approve minutes of the December 19, 2022 Regular City Council meeting.
- Consideration and action to approve Resolution R2023-0001, amending approved signatories for the City of Alvarado account at First Financial Bank.
- Consideration and action to approve Resolution R2023-0003 authorizing continued participation with the steering committee of cities served by ONCOR; and authorizing the payment of six cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC.

Motion was made by Lydia Moon and seconded by Michael Bennett to approve the consent agenda as presented. This motion supported 6 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #4

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2023-0002, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION.

NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION FOR THE CITY OF ALVARADO, TEXAS

The City Council of the City of Alvarado, Texas, shall convene a meeting at 6:30 P.M. on March 20, 2023, at City Hall, 104 West College Street, Alvarado, Texas 76009 and during such meeting, the City Council will consider the passage of an ordinance or ordinances authorizing the issuance of one or more series of interest bearing certificates of obligation in the aggregate principal amount not to exceed \$35,000,000, for paying all or a portion of the City's contractual obligations to be incurred in connection with (1) constructing and improving streets and roads including related drainage, landscaping, signalization, lighting, pedestrian improvements, curbs, signage and relocation of utility lines related thereto; (2) constructing, acquiring, installing, replacing, equipping and improving the city's wastewater system facilities consisting of a expansion of the wastewater treatment plant and sewer lines and (3) paying legal, fiscal, engineering, architectural and other professional services in connection with these projects. Such certificates are to be made payable from ad valorem taxes and a lien on and pledge of surplus revenues of the City's waterworks and sewer system. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Chapter 271, Subchapter C.

The following information is provided to follow Tex. H.B. 477, 86 Leg., R.S. (2019). The current principal of all outstanding debt obligations of the City is \$10,640,750. The current combined principal and interest on all outstanding debt obligations of the City, paid on time and in full, is \$14,677,968. The maximum principal amount of the certificates to be authorized is \$35,000,000 and the estimated combined principal and interest required to pay the certificates to be authorized on time and in full is \$58,557,656. The maximum interest rate for the certificates may not exceed the maximum legal interest rate. The maximum maturity date of the certificates to be authorized is August 15, 2048. The above information excludes \$2,597,250 of outstanding obligations the City has designated as self-supporting which consist of the City's General Obligation Refunding Bonds, Series 2017 (\$1,695,000 is self-supporting) and General Obligation Refunding Bonds, Series 2019 (\$902,250 is self-supporting). Information regarding these items may be obtained during business hours from the City Manager, 104 West College Street, Alvarado, Texas 76009, www.cityofalvarado.org.

Motion was made by Michael Bennett and seconded by Kevin Thomas to approve Resolution R2023-0002, directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

This motion supported 6 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #5

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0001 CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN; CALLING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF SUBMITTING A HOME RULE CHARTER TO THE VOTERS OF THE CITY OF ALVARADO; ESTABLISHING PROCEDURES FOR THAT ELECTION; AUTHORIZING THE METHOD OF VOTING AND APPROVING AN ELECTION CONTRACT WITH JOHNSON COUNTY.

General Election Called

General Election Order. A General Election shall be held in the City of Alvarado, Texas, on Saturday, May 6, 2023, at which the following officials will be elected:

City Alderman, Ward 1, seat currently occupied by Beverly Short
City Alderman, Ward 2, seat currently occupied by Cherry Bryant
City Alderman, Ward 3, seat currently occupied by Scott Arthur

SECTION 2.

Home Rule Charter Election Order. The City Council hereby approves the proposed Home Rule Charter and a Special Election is hereby ordered to be held on May 6, 2023, to submit this Charter to the voters of the City of Alvarado for approval.

Motion was made by Kevin Thomas and seconded by Lydia Moon to approve Ordinance 2023-0001 calling for a General and Special Election to be held on May 6, 2023..

This motion supported 6 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #6

RECOGNITION OF THE HOME RULE CHARTER COMMITTEE

Mayor Wheat took a moment to thank the members of the Home Rule Charter Committee Meeting. Marty Douglas, Richard VanWinkle, Pam Jones, Theeb Dieb, Tara Monroe, Israel Stephens, Tom Durlington, Jill Dennis, Kenneth Estes, Flint Webb, Kevin Thomas, Lydia Moon, and Joshua Rendon. This committee, over the period of November to January, created the charter document that will be presented to the voters at the May 6, 2023 election.

No Council Action Required.

AGENDA ITEM #7

PRESENTATION OF THE COMPREHENSIVE PLAN ANNUAL REVIEW

Director of Community Service Director, Justin French presented the following information to Council:

The Alvarado Comprehensive Plan was adopted by the City Council in June of 2017. Freese and Nichols assisted in the preparation of this plan, which replaced the previous comprehensive plan prepared with the assistance of Municipal Planning Resources Group, Inc. The purpose of the comprehensive plan is to aid decision-making and guide the growth and development of the City. Essential to the creation of the Alvarado Comprehensive Plan was public engagement and input, which occurred over a series of meetings between August 2016 and June 2017.

The Alvarado Comprehensive Plan recommends an annual review of how the 10-year plan is being implemented. This is a report of the 2022 annual review. The plan also suggests a mid-level update of the comprehensive plan after five years. The City staff is currently seeking grant funding for this update through the Resilient Communities Program provided by the General Land Office of the State of Texas. The focus of this

program is to assist local governments development, adopt, and implement modern and resilient codes and ordinances to ensure communities withstand future hazards.

The City of Alvarado is for the most part on step with the recommended timeline for ensuring a successful plan. The plan provides an implementation matrix of the necessary actions to work toward implementing the vision of the plan. This matrix provides short term, long term, and ongoing tasks with primary responsibilities assigned and desired outcomes linked to each action item. This annual review summarizes the current status of how the City has implemented each action item. The plan provides a basis for capital expenditures and priorities, and will reveal changes and additions that should be made to keep the plan current and relevant. The plan is to be updated to respond to changing needs and conditions.

FINANCIAL IMPACT: None.

No Council Action Required.

AGENDA ITEM #8

Consideration and action authorizing the City Manager to execute a request for proposals of professional services for the Alvarado Comprehensive Plan mid-level.

RECOMMENDATION: Staff recommends City Council authorize the City Manager to execute a request for proposals of professional services for the Alvarado Comprehensive Plan mid-level update in accordance with the procurement policy for Community Development Block Grant funded services adopted by Council on December 19, 2022.

Motion was made by Lydia Moon and seconded by Michael Bennett to approve authorizing the City Manager to execute a request for proposal of professional services for the Alvarado Comprehensive Plan.

This motion supported 6 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #9

CONSIDERATION AND ACTION TO APPROVE AN INTERLOCAL ASSISTANCE AGREEMENT BETWEEN THE JOHNSON COUNTY ESD AND THE CITY OF ALVARADO FOR FIRE AND EXPLOSION INVESTIGATION.

The governing officials of the member agencies and political subdivisions of the State of Texas, desire to secure for each member agency or political subdivision the benefits of mutual aid in the protection of life and property from fire or explosion by entering this interlocal agreement for establishing investigative resources to conduct the origin and

cause investigation of a fire or explosion and perform any latent criminal investigations resulting from said fire or explosion incident.

Motion was made by Michael Bennett and seconded by Lydia Moon to approve.

This motion supported 4 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #10

CONSIDERATION AND ACTION TO APPROVE BID FOR CONCRETE REPAIR WORK IN LAKEVIEW.

Council was given a run down of the bids received for this work and recommended Council accept the bid from SS Construction Services for 6" concrete at a bid price of \$37,398.69.

Motion was made by Michael Bennett and seconded by to approve.

This motion supported 6 votes in approval and 0 votes opposed. Motion carried

AGENDA ITEM #11

CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH M7 FOR THE JULY 4TH FESTIVAL.

Planning has begun for the 2023 July 4th Festival. City Manager proposed that instead of contracting with multiple vendors for the event, we contract with Todd Massey of M7 and he will administer the parts and other vendors.

Motion was made by Cherry Bryant and seconded by Scott Arthur to approve authorizing the City Manager to negotiate an agreement with M7 for the July 4th Festival..

This motion supported 6 votes in approval and 0 votes opposed. Motion carried

EXECUTIVE SESSION

PURSUANT TO TEXAS OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL CONVENED INTO CLOSED SESSION AT 7:16 P.M. TO DELIBERATE UNDER §551.071 CONSULTATION WITH ATTORNEY. THE CITY COUNCIL OR OTHER BOARD MAY CONVENE IN EXECUTIVE SESSION TO CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY ON ANY LEGALLY POSTED AGENDA ITEM, WHEN THE CITY COUCIL 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 CLERALLY CONFLICTS WITH THE PROVISIONS OF CHAPTER 551, INCLUDING THE FOLLOWING ITEMS: ANY POSTED ITEM ON THE AGENDA. B. INTERLOCAL AGREEMENT WITH JOHNSON COUNTY REGARDING PLATTING AND PERMITTING JURISDICTION IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

Mayor Wheat reconvened regular session at 8:00 p.m.

The Mayor announced that February 3rd is reading day @ South Elementary.

Mayor adjourned meeting at 8:03 p.m.

Passed and approved this the 20th day of February, 2023.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls, City Secretary/HRD

CITY OF ALVARADO
County of Johnson
State of Texas
02/09/2023
City Council Minutes.

The City Council of the City of Alvarado met in Special Called Session on Thursday, February 9, 2023 at 6:00 p.m. The following were present for roll call:

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

The following were absent for roll call:

Cherry Bryant	Councilperson
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Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Fritz Quast	City Attorney
Justin French	Community Dev. Director
Ram Ramachandra	Interim Engineer

Mayor Jacob Wheat call the meeting to order at 6:07 p.m. and gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS- None

EXECUTIVE SESSION

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council or other Board convened into closed session at 6:08 p.m. to deliberate regarding the following matters: §551.071 Consultation with Attorney. The City Council or other Board may convene in Executive Session to conduct a private consultation with its Attorney on any legally posted agenda item, when the City Council or other Board seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the

following items: a. Any posted item on the agenda. b. Interlocal agreement with Johnson County regarding platting and permitting jurisdiction in the City's extraterritorial jurisdiction.

Mayor Wheat reconvened regular session at 6:35 p.m.

Agenda Item # 1

CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE SPECIAL CITY COUNCIL MEETING AGENDA FEBRUARY 9, 2023 PAGE 2 AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY REGARDING PLATTING AND PERMITTING JURISDICTION IN THE CITY'S EXTRATERRITORIAL JURISDICTION.

Motion was made by Lydia Moon and seconded by Kevin Thomas to authorize the City Manager to negotiate and execute an interlocal agreement with Johnson County regarding platting and permitting jurisdiction in the City's extraterritorial jurisdiction.

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

Mayor adjourned meeting at 6:36 p.m.

Passed and approved this the 20th day of February, 2023.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls, City Secretary/HRD



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Laura Cox, CFO

Phone: 817-790-3351, Option #9

AGENDA ITEM:

Consider and act upon a resolution amending the authorized representatives of the City of Alvarado who may direct the investment of funds into the Texas Local Government Investment Pool ("TexPool / Texpool Prime"), a public funds investment pool which was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity and yield consistent with the Public Funds Investment Act.

BACKGROUND & FINDINGS:

This resolution will amend the authorized representatives for TexPool. This action will add Laura E. Cox, Chief Financial Officer, to the authorized/primary representatives list and designate Paul DeBuff, City Manager, as a representative with inquiry rights only.

FINANCIAL IMPACT:

No financial impact.

RECOMMENDATION:

Staff recommends approval of this resolution to approve the authorized City representatives to conduct transactions and make inquiries concerning the City's TexPool accounts due to the addition of the Chief Financial Officer position.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager



1. Resolution (continued)

4.
Name Title

Phone Fax Email

Signature

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Name Title

Phone Fax Email

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the day of , 20.

Note: Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

Name of Participant*

SIGNED

Signature*

Printed Name*

Title*

ATTEST

Signature*

Printed Name*

Title*

2. Delivery Instructions

Please return this document to **TexPool Participant Services:**

Email: texpool@dstsystems.com

Fax: 866-839-3291



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Laura Cox, CFO

Phone: 817-790-3351, Option #9

AGENDA ITEM:

Consider and act upon a resolution amending the authorized representatives of the City of Alvarado who may direct the investment of funds Multi-Bank Securities, Inc. within the Government Code Chapter 2256 Public Funds Investment Act parameters.

BACKGROUND & FINDINGS:

This resolution will amend the authorized representatives for TexPool. This action will add Laura E. Cox, Chief Financial Officer, to the authorized representatives list, remove "Interim" from Paul DeBuff's title and change Paula Hardison's title to Billing and Accounting Director.

FINANCIAL IMPACT:

No financial impact.

RECOMMENDATION:

Staff recommends approval of this Non-Corporate Resolution to approve the authorized City representatives to conduct transactions and make inquiries concerning the City's TexPool accounts due to the addition of the Chief Financial Officer position and personnel title changes.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

**I. IDENTIFICATION OF QUALIFIED INTERMEDIARY / WITHHOLDING ENTITY**

LEGAL NAME OF ORGANIZATION: _____

TYPE OF ORGANIZATION: _____

ACCOUNT NUMBER: _____

Be it resolved that each of the following has been duly elected or appointed and is now legally holding the title set opposite his/her name.

_____	_____
(Name of Authorized Person)	(Title)
_____	_____
(Name of Authorized Person)	(Title)
_____	_____
(Name of Authorized Person)	(Title)

II. CERTIFICATION

I, _____ of
(Name and Title of Officer or Partner signing this Non-Corporate Resolution)

_____ hereby certify that said organization is duly and legally
(Name of Organization)

organized and existing and that a quorum of the _____
(Name of Governing Body of Organization)

of said Organization attended a meeting duly held on the _____ day of _____, 20____

at which the following resolutions were duly adopted, and that such resolutions are in full force and effect on this date and

do not conflict with the _____ of said organization.
(Name of Governing Rules)

I further certify that I have the authority to execute this Non-Corporate Resolution on behalf of said Organization, and that

the _____ of the Organization which took the action called for by the
(Name of Governing Body of Organization)

resolutions annexed hereto has the power to take such action.

*SIGNATURE: _____ DATE: _____

TITLE: _____

***The signer should be someone other than one of the authorized person(s) named above. However, if signed by an authorized person named above, the Fed Wire Letter of Authorization and/or ACH Authorization Agreement must be signed by an authorized person other than the signer of this document.**

III. RESOLUTIONS

Certified Copy Of Certain Resolutions by the Governing Body of Said Organization Whereby the Establishment and Maintenance of Accounts Have Been Authorized.

RESOLVED –

FIRST: That the named Authorized Persons of this organization or _____ or _____ be and they hereby are, and each of them is, authorized and empowered, for and on behalf of this organization (herein called the “Organization”), to establish and maintain one or more accounts with Multi-Bank Securities, Inc. (herein called the “Brokers”) and Pershing LLC, its successors or assigns, and for the purpose of purchasing, investing in, or otherwise acquiring, selling, possessing, transferring, exchanging, pledging, or otherwise disposing of or realizing upon, and generally dealing in and with;

(a) THIS PARAGRAPH PERMITS CASH TRANSACTIONS IN SECURITIES

any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise;

(b) THIS PARAGRAPH PERMITS CASH AND MARGIN TRANSACTIONS IN SECURITIES

any and all forms of securities including, but not by way of limitation, shares, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bonds, debentures, notes, scrip, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidence of indebtedness, commercial paper, certificates of indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise; and margin transactions, including short sales;

The fullest authority at all times with respect to any such commitment or with respect to any transaction deemed by any of the said Authorized Persons and/or agents to be proper in connection therewith is hereby conferred, including authority (without limiting the generality of the foregoing) to give written or oral instructions to the Brokers with respect to said transactions; to bind and obligate the Organization to and for the carrying out of any contract, arrangement, or transaction, which shall be entered into by any such Authorized Persons and/or drafts drawn upon the funds of the Organization such sums as may be necessary in connection with any of the said accounts to deposit funds with the Brokers; to deliver securities and/or contracts to the Brokers; to order the transfer or delivery thereof to any other person whatsoever, and/or to order the transfer record of any securities, or contracts, or titles, to any name selected by any of the said Authorized Persons or agents; to affix the Organization’s seal to any documents or agreements, or otherwise; to endorse any securities and/or contracts in order to pass title thereto; to direct the sale or exercise of any rights with respect to any securities; to sign for the Organization all releases, powers of attorney and/or other documents in connection with any such account, and to agree to any terms or conditions to control any such account; to direct the Brokers to surrender any securities to the proper agent or party for the purpose of effecting any exchange or conversion, or for the purpose of deposit with any protective or similar committee, or otherwise; to accept delivery of any securities, to borrow money and securities, if applicable, and to secure repayment thereof with the property of the Organization; to appoint any other person or persons to do any and all things which any and all things which any of the said Authorized Persons and/or agents is hereby empowered to do, and generally to do and take all action necessary in connection with the account, or considered desirable by such Authorized Persons and/or agents with respect thereto.

SECOND: That the Brokers may deal with any and all of the persons directly or indirectly by the foregoing resolution empowered, as though they were dealing with the Organization directly.

THIRD: That the person signing this Non-corporate Resolution on behalf of the Organization be and hereby is authorized, empowered and directed to certify to the Brokers:

- (a) a true copy of these resolutions;
- (b) specimen signatures of each and every person by these resolutions empowered;
- (c) a certificate (which, if required by brokers, shall be supported by an opinion of the general counsel of the Organization, or other counsel satisfactory to the Brokers) that the Organization is duly organized and existing, that its governing rules empower it to transact the business by these resolutions defined, and that no limitation has been imposed upon such powers by the governing rules of the Organization or otherwise.

FOURTH: That the Brokers may rely upon the certified copy of the resolutions, specimen signatures, and certificate, as continuing fully effective unless and until the Brokers shall receive due written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision. nor shall the fact that any person hereby empowered ceases to be an Authorized Person of the Organization or becomes an Authorized Person under some title, in any way affect the powers hereby conferred, but the failure to supply any specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto by or in conformity with these resolutions.

FIFTH: That in the event of any change in the office of powers of persons hereby empowered, an Authorized Person shall certify such changes to the Brokers in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons therefore authorized, and to empower the persons thereby substituted.

SIXTH: That the Authorized Persons of the Organization be, and hereby is, authorized and empowered to countersign items as aforesaid.

SEVENTH: That the foregoing resolutions and the certificates actually furnished to the Brokers by the Authorized Person of pursuant thereto, be and they hereby are made irrevocable until written notice of the revocation thereof shall have been received by the Brokers.



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Y. S. "Ram" Ramachandra, Interim City Engineer

AGENDA ITEM:

Consider reviewing a presentation on priority list and estimated costs of Street Rehabilitation and providing recommendations to City staff to move forward with the phased / annual implementation of street rehabilitation.

BACKGROUND & FINDINGS:

The City completed a street pavement condition assessment study last year that provided condition ratings for each of the street segments within the City limit. The study was get done by RoadBotics, a firm that has specialized in roadway condition analysis and mapping.

Each street segment in the City was assigned a number from 1 through 5, 1 being the street pavement being in the best of conditions and 5 being the street pavement being in a highly deteriorated condition.

The City staff has now developed a list of priority streets and estimated costs for rehabilitation based on the combination of several factors, mainly being RoadBotics study from 2022, current street pavement condition and emergency response vehicle routes.

Location and condition of existing water and sewer lines were also reviewed by the City staff along each of the street segments included in the list, and adequate cost provisions have been made for relocation / replacement of water and sewer lines where necessary.

The City staff is recommending to implement the rehabilitation of these priority street segments in a phased manner, to the extent funding is available each fiscal year.

FINANCIAL IMPACT:

Varies by Fiscal Year in the future.

RECOMMENDATION:

Staff recommends for the City Council to provide consent to the attached list of priority streets identified for rehabilitation.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENT:

Prioritized List of Streets Identified for Rehabilitation

PRIORITIZED LIST OF STREETS IDENTIFIED FOR REHABILITATION

NO.	STREET	SEGMENT			PAVEMENT COST	UTILITY RELOCATION COST	CONTINGENCY (25%)	TOTAL COST (PAVEMENT + UTILITY + CONTINGENCY)
		FROM	TO	APPROX. LENGTH (FT.)				
1	N. CUMMINGS DR	US Hwy 67	CR 508	(Spot Repairs)	\$ 180,000		\$ 45,000	\$ 225,000
2	ATCHLEY ST	S Cummings Dr	S Magnolia St	2070	\$ 597,290		\$ 149,323	\$ 746,613
3	PATTON ST	N Cummings Dr	N Sparks St	1340	\$ 167,100		\$ 41,775	\$ 208,875
4	CHRIS COURT	Full Street Length		1210	\$ 560,700	\$ 144,000	\$ 176,175	\$ 880,875
5	LORIE STREET	Full Street Length		890	\$ 399,750	\$ 106,800	\$ 126,638	\$ 633,188
6	JANIS & HELEN STs	Full Street Lengths		1440	\$ 596,250	\$ 172,800	\$ 192,263	\$ 961,313
7	BAUGH ST	E Cotter Ave	US Hwy 67 Business	1570	\$ 201,660		\$ 50,415	\$ 252,075
8	S SPEAR ST	College Ave	Railroad Track	1750	\$ 258,133	\$ 30,000	\$ 72,033	\$ 360,167
9	WILDWOOD DR	Full Street Length		1825	\$ 446,040		\$ 111,510	\$ 557,550
10	ELWOOD CT	Full Street Length		780	\$ 154,980		\$ 38,745	\$ 193,725
11	EDGAR CT	Full Street Length		845	\$ 151,560		\$ 37,890	\$ 189,450
12	BURNETT BLVD	Full Street Length		2545	\$ 750,150		\$ 187,538	\$ 937,688
13	BISHOP ST	Full Street Length		750	\$ 91,860		\$ 22,965	\$ 114,825
14	BROWN ST	Full Street Length		400	\$ 41,400	\$ 48,240	\$ 22,410	\$ 112,050
15	CR 404	IH-35 Frontage Rd	Chambers Creek	1240	\$ 172,267		\$ 43,066	\$ 215,333
16	COTTON ST	Full Street Length		380	\$ 39,000	\$ 45,600	\$ 21,150	\$ 105,750
17	N RAY STREET	W Hopper St	US Hwy 67 Business	525	\$ 229,667		\$ 57,417	\$ 287,083
18	PURDOM AVE	N Cummings Dr	US Hwy 67 Business	1720	\$ 309,600	\$ 550,080	\$ 214,920	\$ 1,074,600
19	E SHELTON ST	Full Street Length		1870	\$ 224,400		\$ 56,100	\$ 280,500
20	N SPARKS	US Hwy 67 Business	W Purdom St	690	\$ 82,800		\$ 20,700	\$ 103,500
					\$ 5,654,607	\$ 1,097,520	\$ 1,688,032	\$ 8,440,159



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action authorizing the City Manager to execute a request for proposals of professional geographical information system (GIS) services in accordance with the Alvarado Procurement Policy for Community Development Block Grant funded services.

BACKGROUND & FINDINGS:

The City of Alvarado is growing in population size, land area, infrastructure, and municipal services to the community. GIS services is an essential tool to communicate city limits, extraterritorial jurisdiction (ETJ), applicability of regulations, existing municipal facilities, such as the water distribution system and the sanitary sewer collection system. With Alvarado's population proclaimed over 5,000, the City's ETJ has expanded from half a mile to one mile beyond the city limits. Recent annexations have expanded the city limits and thereby expand the ETJ even further. The annexed properties are assigned to a zoning district and City Council approved zoning changes must be reflected on the official zoning map for reference. Similarly, new development has expanded the City's roadway network, water distribution system, fire protection area, park service areas, and sanitary sewer collection system, which warrants map updates.

Updated map records will assist residents, developers, municipal personnel, and other stakeholders implement the City's Comprehensive Plan and vision for the community by providing reference. It assist in the efficient operation of municipal services. It assists investors and review managers plan for orderly and cost-effective development. Well created GIS mapping also assists in branding the City as a modern municipality that attracts business and makes residents proud.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council authorize the City Manager to execute a request for proposals of professional GIS services in accordance with the procurement policy for Community Development Block Grant funded services adopted by Council on December 19, 2022.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action approving an ordinance amending the Code of Ordinances of the City of Alvarado, Texas adopting the 2021 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Energy Conservation Code, the International Fuel Gas Code, the International Property Maintenance Code, International Swimming Pool and Spa Code, International Fire Code, and the 2020 edition of the National Electrical Code, and local amendments thereto.

BACKGROUND & FINDINGS:

The City of Alvarado last updated its set of comprehensive and coordinated national model constructions codes on June 17, 2013. The purpose of these codes is to promote the health, safety and general welfare of the citizens of the City of Alvarado and the general public. In addition, maintaining current published codes keeps the City of Alvarado in step with new technologies in the development community and assists in maintaining the City's Insurance Services Office (ISO) ratings, which then keeps property insurance premiums down for residents, tenants, and property owners in the City.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council approve the attached ordinance amending the building regulations of Chapter 8 and fire regulations of Chapter 16 of the Code of Ordinances.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENT:

Draft Ordinance Amending Chapter 8 and Chapter 16 Regulations

ORDINANCE NO. 2023-0002

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALVARADO, TEXAS ADOPTING THE 2021 EDITIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING THE EFFECTIVE DATE.

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

WHEREAS, the International Code Council (ICC) and the National Fire Protection Association (NFPA) has developed a set of comprehensive and coordinated national model construction codes (known as the “International Codes”); and

WHEREAS, the International Fire Code, International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Fuel Gas Code, International Swimming Pool and Spa Code and International Property Maintenance Code, have been prepared by the ICC, and the National Electrical Code (NEC) has been prepared by the NFPA and in addition to review by the NCTCOG, have been reviewed by City staff; and

WHEREAS, the most current of the existing codes in the City are the 2012 editions of the International Codes, and the 2011 edition of the NEC, and the City’s codes should be updated and include the most current published codes available; and

WHEREAS, the 2021 editions of the International Fire Code, International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Fuel Gas Code, International Property Maintenance Code, International Swimming Pool and Spa Code, and the 2020 edition of the NEC are the most current published codes available; and

WHEREAS, the City Council of the City of Alvarado has determined that it is in the best interest of the citizens of the City of Alvarado to update and adopt the 2021 editions of the International Fire Code, International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, International Fuel Gas Code, International Property Maintenance Code, International Swimming Pool and Spa Code, and the 2020 edition of the NEC; and has determined that this will promote the health, safety and general welfare of the citizens of the City of Alvarado and the general public; and

WHEREAS, the City Council of the City of Alvarado further desires to adopt certain local amendments to such Codes reflecting the unique needs of the City of Alvarado.

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

SECTION 1.

Chapter 8, “Buildings and Building Regulations,” Article II, “Technical Codes,” Division 2, “Building Code,” Division 3, “Residential Code,” Division 4, “Mechanical Code,” Division 5, “Plumbing Code,” Division 6, “Energy Conservation Code,” Division 7, “Electrical Code,” Division 8, “Fuel Gas Code,” Division 9, “International Property Maintenance Code,” and Division 10, “International Swimming Pool and Spa Code,” are hereby amended to read as follows:

“

DIVISION 2. BUILDING CODE

Sec. 8-48. - International Building Code adopted.

The 2021 Edition of the International Building Code is hereby adopted as the official building code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-49. - Local amendments to code.

The 2021 Edition of the International Building Code, as adopted herein, is hereby amended by adoption of those amendments shown on exhibit A on file in the office of the city secretary.

DIVISION 3. RESIDENTIAL CODE

Sec. 8-74. - International Residential Code adopted.

The 2021 Edition of the International Residential Code is hereby adopted as the official residential construction code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-75. Local amendments to code.

The 2021 Edition of the International Residential Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit B on file in the office of the city secretary.

DIVISION 4. MECHANICAL CODE

Sec. 8-96. International Mechanical Code adopted.

The 2021 Edition of the International Mechanical Code is hereby adopted as the official mechanical code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be

Sec. 8-97. Local amendments to code.

The 2021 Edition of the International Mechanical Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit C on file in the office of the city secretary.

DIVISION 5. PLUMBING CODE

Sec. 8-123. International Plumbing Code adopted.

The 2021 Edition of the International Plumbing Code is hereby adopted as the official plumbing code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-124. Local amendments to code.

The 2021 Edition of the International Plumbing Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit D on file in the office of the city secretary.

DIVISION 6. ENERGY CONSERVATION CODE

Sec. 8-149. Adoption of the 2021 International Energy Conservation Code.

The 2021 edition of the International Energy Conservation Code is hereby adopted as the official energy conservation code of the city and is fully incorporated by reference as though copied into this article in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-150. Local amendments to code.

Ordinance No. 2023-0002

Page 3

The 2021 Edition of the International Energy Conservation Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit E on file in the office of the city secretary.

DIVISION 7. ELECTRICAL CODE

Sec. 8-169. National Electrical Code adopted.

The 2020 National Electrical Code is hereby adopted as the official electrical code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-170. Local amendments to code.

The 2020 Edition of the National Electrical Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit F on file in the office of the city secretary.

DIVISION 8. FUEL GAS CODE

Sec. 8-191. International Fuel Gas Code adopted.

The 2021 International Fuel Gas Code is hereby adopted as the official fuel gas code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-192. Local amendments to code.

The 2021 Edition of the International Fuel Gas Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit G on file in the office of the city secretary.

Secs. 8-193—8-200. Reserved.

DIVISION 9. PROPERTY MAINTENANCE CODE

Sec. 8-201. International property maintenance code adopted.

That the 2021 Edition of the International Property Maintenance Code is hereby adopted as the official property maintenance code of the city. This property maintenance code is fully incorporated by reference as though copied into this division in its entirety. The material contained in the 2021 International Property Maintenance Code shall not be included in any formal municipal

codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours. The Uniform Housing Code is hereby repealed and all references to the Uniform Housing Code in the ordinances of the city shall be replaced with and shall refer to the 2021 Edition of the International Property Maintenance Code.

Secs. 8-202—8-209. Reserved.

DIVISION 10. SWIMMING POOL AND SPA CODE

Sec. 8-210 International swimming pool and spa code adopted

The 2021 edition of the International Swimming Pool and Spa Code is hereby adopted as the official swimming and spa code of the city, and is fully incorporated by reference as though copied into this section in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 8-211 International swimming pool and spa code appendices

The city also adopts the following appendices to 2021 edition of the International Swimming Pool and Spa Code, which appendices are fully incorporated by reference as though copied into this section in its entirety:

A	Symbols
B	Field Check List for Identifying Suction Entrapment Hazards
C	Warning — Drowning Hazard
D	Field Verification Procedures for Suction Outlet Safety

The material contained in these appendices shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.”

SECTION 2.

Chapter 16, “Fire Prevention and Protection,” Article IV, “Fire Code,” is hereby amended to read as follows:

“ARTICLE IV. FIRE CODE

Sec. 16-97. - International Fire Code adopted.

The 2021 Edition of the International Fire Code is hereby adopted as the official fire code of the city, and is fully incorporated by reference as though copied into this division in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Sec. 16-98. - Local amendments to code.

The 2021 Edition of the International Fire Code, as adopted herein is hereby amended by adoption of those local amendments shown on exhibit H on file in the office of the city secretary. Appendixes A, B, C, D, E, F, G, H, I, J, K, and N of the 2021 International Fire Code are hereby adopted and incorporated herein by reference the same as if set forth at length.

Sec. 16-107-16-123 Reserved.”

Section 3.

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

Section 4.

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

Section 5.

That all rights and remedies of the City of Alvarado are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Alvarado, as amended, or any other ordinances affecting technical building and fire codes which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined in accordance with Section 1-12 of the Code of Ordinances for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 7.

The City Secretary of the City of Alvarado is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this ordinance as provided by law.

Section 8.

That this Ordinance shall be in full force and effect from and after its passage and publication, and it is so ordained.

PASSED AND ADOPTED by the City Council of the City of Alvarado, Texas this 20th day of February, 2023.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth A. Walls, City Secretary



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action approving an ordinance of the City of Alvarado, Texas, amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances, by amending the definition of *subdivision*.

BACKGROUND & FINDINGS:

The purpose of the Alvarado subdivision ordinance is to provide for the orderly, safe, and healthful development of the area within the City and within the area surrounding the City and to promote the health, safety, morals, and general welfare of the community by securing adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities. From time to time the subdivision ordinance must be amended to achieve this purpose. The attached ordinance amendment is intended to modernize the definition of *subdivision* for the purposes of the Alvarado subdivision regulations. The change to the subdivision regulations of the attached ordinance is limited to the addition of the redlined text in the below definition of *subdivision* as presently found in ordinance.

“*Subdivision* means the division of a tract in two or more parts to lay out a subdivision of the tract, including an addition to the city, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this definition includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, lease, devise, intestacy, map, plat, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this definition does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.”

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council approve the attached ordinance amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENT:

Draft Ordinance Amending Subdivision Regulations

ORDINANCE NO. 2023-0003

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, AMENDING THE SUBDIVISION REGULATIONS OF THE CITY, CHAPTER 34 OF THE CODE OF ORDINANCES, BY AMENDING THE DEFINITION OF “SUBDIVISION;” PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has previously adopted a Subdivision Ordinance for the purpose of promoting the health, safety, and general welfare of the citizens of the City, and the area within one mile of the corporate limits of the City, to lessen congestion in proposed streets; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of water, sewage, and other utilities, parks, and other public requirements; and

WHEREAS, the City desires to amend the definition of the term “Subdivision” within Chapter 34 of the Code of Ordinances; and

WHEREAS, Sec. 212.002 of the Code provides that after a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the City; and

WHEREAS, in accordance with Section 212.002 of the Texas Local Government Code, a public hearing was held by the City Council of the City of Alvarado, Texas, on February 20, 2023, with respect to the amendments described herein; and

WHEREAS, all requirements of Chapter 212 of the Texas Local Government Code, and all procedural requirements for the amendment of the Subdivision Ordinance have been complied with.

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

SECTION 1.

Section 34-3 of the Code of Ordinances, City of Alvarado, Texas, the Subdivision Ordinance, is hereby amended by amending the definition of the term “Subdivision” to read as follows:

“*Subdivision* means the division of a tract in two or more parts to lay out a subdivision of the tract, including an addition to the city, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this definition includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, lease, devise, intestacy, map, plat, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this definition does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

AND IT IS SO ORDAINED.

Passed on this 20th day of February, 2023, by a vote of _____ to _____.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth A. Walls, City Secretary

Approved as to form and legality:

Ashley D. Dierker, City Attorney



City Council Meeting Management Report

Meeting Date: February 20, 2023

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action approving an ordinance of the City of Alvarado, Texas, amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances, by adopting by ordinance the Alvarado Design Standards Manual.

BACKGROUND & FINDINGS:

The purpose of the Alvarado Design Standards Manual is to provide a set of minimum design standards to be used in the designing of public facilities to be maintained by the City of Alvarado. These guidelines will be used by consulting engineers employed by the City and engineers for private developments. These guidelines should result in the construction of safe, economical public facilities. The Public Works Director may approve unusual circumstances or special designs requiring a variance from the standards in this manual.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council approve the attached ordinance amending the subdivision regulations of the City, Chapter 34 of the Code of Ordinances.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Redlined Draft of Design Standards Manual Changes
Draft Ordinance Amending Subdivision Regulations

CITY OF ALVARADO
DESIGN STANDARDS MANUAL

Section 34-164 of the Alvarado Subdivision Ordinance

February 20, 2023

The subdivider shall design and construct all water and sewer systems, streets and drainage facilities, and any other facilities required by these regulations which are necessary for the proper development of the subdivision, in accordance with this section and the city design standards manual. ~~The design standards manual shall be kept on file in the office of the city secretary and shall not be codified.~~

STREETS

All street improvements proposed for any subdivision to be developed under the jurisdiction of these ordinances shall be furnished and installed by the subdivider in accordance with the "*Standard Specifications for Public Works Construction*", published by the North Central Texas Council of Governments (NCTCOG), latest edition.

The purpose of this section is to provide a set of minimum design standards to be used in the designing of roadway facilities in the City of Alvarado. These guidelines will be used by consulting engineers employed by the City and engineers for private developments in the City. Each sheet of the plans and profiles will bear the seal and signature of the registered professional civil engineer who prepared them. These guidelines should result in the construction of safe, economical streets and thoroughfares. The Director of Public Works may approve unusual circumstances or special designs requiring a variance from the standards in this manual.

Classification of Roadways

There are four (4) basic classifications of streets in the City of Alvarado. The classifications are as follows:

Principal Arterial seven (7) lane divided and undivided

This classification is designed to handle large volumes of intra- and inter-city travel through Alvarado. No direct residential driveway access should be allowed (at least on new sections where driveways do not presently exist).

Minor Arterial five (5) lane divided and undivided and Minor Arterial four (4) lane undivided

This classification is designed to feed traffic from collectors and minor residential streets the Principal Arterial. Direct residential driveway access should not be allowed on new sections of arterial except where existing driveways are present.

Collector two (2) lane undivided

Collector streets should direct residential and local traffic onto the nearest arterial to avoid carrying volumes of through-traffic across residential neighborhoods and other sensitive areas. Direct residential driveway access is permitted. The Collector street shall be the minimum street class serving commercial, industrial or multifamily areas.

Residential two (2) lane undivided

The minor residential is to provide access to the various residential classifications in the City of Alvarado.

Each roadway is made up of elements that are related to the use of that particular facility. These elements include right-of-way, pavement width, median width if required, arrangement of traffic lanterns and parking tones, curb radii at intersections and other characteristics, Table No. I is to be used in the design of the various classifications of roadways in Alvarado.

Table No. I
STREET CLASSIFICATIONS AND CHARACTERISTICS

TYPE	CLASSIFICATION	FACE TO FACE PAVEMENT WIDTH(FT)	FACE TO FACE MEDIAN WIDTH(FT)	PARKWAY WIDTH (Ft)	RECOMMENDED MINIMUM ROW WIDTH (FT)
A7D	Principal Arterial divided- 7 lane	2-38	24	15	130
A7U	Principal Arterial undivided- 7 lane	88	---	15	118
A5D	Minor Arterial divided- 5lane	2-26	18	15	100
A5U	Minor Arterial undivided- 5lane	64	---	15	94
A4U	Minor Arterial undivided- 4lane	50	---	15	80
C2U	Collector undivided- 2 lane	38	--	11	60
R2U	Residential undivided	30	---	10	50
R2D	Residential divided at entrance only	2-18	varies	10	varies

Geometric Design

General

Geometrics of city streets may be defined as the geometry of the curbs or pavement areas, which governs the movement of traffic within the confines of the rights-of-way. Included in the geometrics are the pavement, width, radius of curvature, width of traffic lanes, parking lanes, or turning lanes, median width separating opposing traffic lanes, median nose radii, curb radii at street intersections, crown height, cross slope, geometric shapes of islands separating traffic movements and other features. Since city streets are differentiated by their functions and location, there is also a variance in the geometry which describes the path vehicular traffic should follow.

Design Speed

The design speed is a primary factor in the horizontal and vertical alignment on city streets and thoroughfares. Design features such as curvature, radii for turning movements and sight distances are directly related to the design speed. The design speed also affects features such as lane widths, pavement width, pavement cross-fall, pavement crown, and clearances.

The design speed is defined as the approximate speed that can be maintained safely by a vehicle over a given section of road when conditions are so favorable that the design features of the roadway govern. The speed limit or posted speed is the maximum legal speed set by local authorities for a certain roadway or area. The design speed should never be less than the likely legal speed limit.

The various street and thoroughfare classifications that make up the system within the City require different design speeds according to their use and location. Table No. 2 indicates the allowable design speeds for the various classifications within the City. Lower design speeds (and speed limits) may be permitted for all classifications for unusual conditions, terrain, or alignment

TableNo.2
DESIGN SPEED (MPH)

Type	Classification	Design Speed A
A7D	Principal Arterial- divided	40
A7U	Principal Arterial- undivided	40
ASD	Minor Arterial- divided	35
ASU	Minor Arterial- undivided	35
A4U	Minor Arterial- undivided	35
C2U	Collector	30
R2U	Residential	30

Horizontal Alignment

The horizontal geometrics of the streets and thoroughfares include the segment of geometric design associated with the alignment, inter-sections, pavement widths, and related geometric elements. The various classifications, utilizing the design speed as a control, must have certain horizontal and vertical geometrics to provide a safe economical facility for use by the public.

Horizontal Curves

The alignment of the streets and thoroughfares is usually determined by the alignment of the existing right-of-way or structures which cannot be relocated. Changes in the direction of a street or thoroughfare are minimized by constructing a simple curve having a radius that is compatible with the speed of vehicular traffic.

Curvature in the alignment of arterials is allowed under certain conditions, but the greater traffic volume and the higher vehicle speeds which accompany these thoroughfares tend to increase the number of accidents when curving of alignment occurs. Curves in the alignment of residential streets usually provide aesthetic value to residential neighborhoods without affecting the orderly flow of traffic or safety. Minimum permitted radii of curvature are shown in Table No. 3. These are based on traffic consisting of typical present-day automobiles operating under optimum weather conditions. There are other important considerations in the design of curves on thoroughfares including the location of intersecting streets, drives, bridges, and other topographic features.

Table No. 3
MINIMUM CENTERLINE RADIUS FOR ROADWAYS

Street Classification	Minimum Radius (FT)
Arterial--40 mph	700
Collector--35 mph	500
Residential-30 mph	300

Residential streets intersecting a collector street or arterial street will have a tangent section of centerline at least fifty feet (50') in length measured from the right-of-way line of the collector or arterial street. No such tangent is required when the residential street curve has a centerline radius greater than four hundred feet (400') with the center located on the collector street or major street right-of-way line.

Reverse circular curves shall be separated by a straight tangent section not less than one hundred feet (100') long.

Turning Lanes

Turning lanes are provided at intersections to accommodate left-turning vehicles. The primary purpose of these turning lanes is to provide storage for the turning vehicles. The secondary purpose is to provide space to decelerate from the normal speed to a stopped position in advance of the intersection or to a safe speed for the turn in case a stop is necessary. Left turn lanes at intersections shall be twelve feet (12') in width (minimum). Turn lanes shall have a width transition of not less than one hundred fifty feet (150') in length and a storage lane of not less than one hundred fifty feet (150') in length;

Street Intersections

The intersection at grade of all thoroughfares will be at or near an angle of ninety degrees (90°). At the intersection of these thoroughfare types, the various geometrics including pavement widths, lane widths, curb radii, median widths, turning lane data, crossfall, crown height, and other features differ. Streets often intersect at angles less than ninety degrees (90°); however, no street will be allowed to intersect at less than seventy degrees (70°). Table No. 4 shows the curb radii required for intersections at ninety degrees.

Table No. 4
CURB RADII (90°) INTERSECTION

Intersecting Streets	Radius (FT)
Arterial / Arterial	30
All others	20

The location of any median nose will be so located that traffic will clear it while making a left turn. Other considerations include adequate clearance between the median nose and through traffic on the intersecting thoroughfare and location of the median nose to properly clear the pedestrian crosswalks.

Sidewalks

The purpose of the public sidewalk is to provide a safe area for pedestrians. The City of Alvarado requires that sidewalks be constructed with the paving of streets or when building construction occurs and that all sidewalks conform to state laws for barrier free construction.

Concrete sidewalks on residential streets will have a width of not less than four feet (4') and thickness of not less than four inches (4") and will be constructed of three thousand pounds per square inch (3,000 psi) concrete on both sides of all streets. Sidewalks will be constructed not less than one foot (1') from the street right-of-way line and will extend along the street frontage including the side lot corner lots and block ends.

Sidewalks on arterial streets and non-residential collectors shall be five feet (5') wide.

All concrete for sidewalks will be placed on a two-inch (2") sand cushion and will be reinforced with 6 X 6 No. 6 gauge welded wire fabric or number three (3) reinforcing steel bars spaced at eighteen inches (18") on center each way.

The subdivider may petition for a determination by the City that sidewalk construction is either not feasible or inappropriate at the time of subdivision construction. If determined to be inappropriate at the time of construction by the City, funds for such construction shall be placed in escrow with the City by the subdivider. The sidewalk escrow rate will be approved by resolution by the City Council.

Vertical Alignment

The vertical alignment of all thoroughfares should be designed to insure the safe operation of vehicles by the traveling public and should allow easy access to adjacent property. A travelway, which is safe for vehicles, is dependent on criteria which considers operating speeds, maximum grades, vertical curves, and sight distance. In addition to these considerations, other factors related to vertical alignment include storm drainage inlet may also be required in the median.

Street Grades

The intersection design of two (2) thoroughfares will include grades which will result in a plane surface or at least a surface which approximates a plane surface. A vehicle traveling on either thoroughfare should be able to traverse the intersection at the design speed without discomfort. To accomplish a smooth transition, slope toward the median of one lane thoroughfare may be required. In this case, a storm drainage inlet may also be required in the median.

In presenting the grades of intersecting thoroughfares in the paving plans, profiles of all four (4) curbs of a thoroughfare will be shown as a continuous grade through the intersection of the other thoroughfare.

Minimum Grades

Minimum longitudinal grades for streets and thoroughfares are required to insure proper flow of surface drainage toward inlets. Minimum grades are five-tenths percent (.5%) for portland cement and asphaltic concrete pavement. The minimum grades for cul-de-sacs will be six-tenths percent (0.6%). All valley gutters should be a minimum of eight feet (8') wide and constructed of reinforced concrete and will have minimum grades of five-tenths percent (0.5%).

Maximum Grades

Maximum longitudinal grades will be compatible with the type of facility and the accompanying characteristics including the design speed, traffic conditions and sight distance.

Arterials must move large volumes of traffic at faster speeds, and flatter grades will better accommodate these characteristics. Truck and bus traffic on these type facilities often control traffic movement, particularly if steep grades prevent normal speeds. The normal maximum street grades allowed for Alvarado streets are shown in Table No. 5. Steeper grades may be permitted for short lengths where required by topographical features or restricted alignment.

Table No. 5

MAXIMUM STREET GRADES

STREET CLASSIFICATION	MAXIMUM GRADE
Arterial	6%
Collector	8%
Minor Residential	10%

Pavement Slope

On undivided streets, the maximum difference in curb elevations will not exceed five-tenths foot (0.5').

Vertical Curves

When two (2) longitudinal street grades intersect at a point of vertical intersection (PVI) and the algebraic difference in the grades is one percent (1.0%) or greater, a vertical curve is required. Vertical curves are utilized in roadway design to affect a gradual change between tangent grades and should result in a design which is safe, comfortable in operation, pleasing in appearance, and adequate for drainage. The vertical curve will be formed by a simple parabola and may be a crest vertical curve or a sag vertical curve.

Stopping Sight Distance

Crest Vertical Curve

When a vertical curve is required, it must not interfere with the ability of drivers to see a length of street ahead, should they be required to suddenly stop. This length of street, called the stopping sight distance, should be sufficient length to enable a person in a vehicle having an eye height of three and three quarters feet (3.75') above the pavement and traveling at or near design speed to stop before reaching an object in his path five tenths foot (0.5') in height.

The minimum stopping sight distance is the sum of two distances: 1) The distance traversed by a vehicle from the instant the driver sights an object for which a stop is necessary to the instant the brakes are applied; and 2) The distance required to stop the vehicle after the brake application.

The minimum safe stopping sight distances for the City of Alvarado street types are shown in Table No. 6. These sight distances are based on each design speed shown and on wet pavement. The minimum length of crest vertical curve required for the safe stopping sight distance of each street type may be calculated using the formula $L = KA$. The values of K for a crest vertical curve are also shown in Table No. 6.

Table No. 6
MINIMUM LENGTH OF A VERTICAL CURVE

CREST VERTICAL CURVE	SAG VERTICAL CURVE
$L=KA$ where L = minimum length vertical curve required for safe stopping sight distance; K = horizontal distance in feet required to effect a one percent change in gradient; and, A = algebraic difference in grade.	$L=KA$ where L = minimum length vertical curve required for safe stopping sight distance; K = horizontal distance in feet required to effect a one percent change in gradient; and, A = algebraic difference in grade.

Type	Street Classification	Design Speed (MPH)	Safe Stopping Distance (FT)	Normal Crest Vertical Curve K(FT)	Normal Sag Vertical Curve K(FT)
A7D	Principal Arterial divided- 7 lane	40	325	80	70
A7U	Principal Arterial undivided- 7 lane	40	325	80	70
A5D	Minor Arterial divided- 5 lane	35	250	50	50
A5U	Minor Arterial Undivided- 5 lane	35	250	50	50
A4U	Minor Arterial undivided- 4 lane	35	250	50	30
C2U	Collector undivided- 2lane	30	200	30	40
R2U	Residential undivided	30	150	30	40

Sag Vertical Curve

When a sag vertical curve is required, the vertical curve will be of sufficient length to provide a comfortable ride and safe stopping sight distance during the change in vertical direction. The minimum length of sag vertical curve required shall be calculated using the formula $L = KA$ and the values of K for a sag vertical curve are shown in Table No. 6.

Intersection Grades

The grade of an intersecting street with the principal street gutter should not be generally more than four percent (4%) either up or down within the first twenty feet (20') beyond the curb line of the principal street except that in very hilly terrain a maximum intersecting grade of six percent (6%) can be considered. Grade changes of one percent (1%) or more require vertical curves.

Median Openings

The following standards for median openings are established to facilitate traffic movement and promote traffic safety.

Median openings will normally be permitted at all intersections with dedicated City of Alvarado Streets. Exceptions would be at certain minor streets where, due to unusual conditions, a hazardous situation would result. Normal spacing between median openings should be no more than twelve hundred feet (1,200').

Mid-block median openings or other openings with left turns permitted into adjacent property will not normally be permitted unless all the following conditions exist:

- The property to be served is a significant traffic generator with demonstrated or projected trip generation of not less than two hundred fifty (250) vehicles in a twelve (12)-hour period.
- The median opening is not less than four hundred feet (400') from an intersection with an arterial thoroughfare.
- The median opening is not less than two hundred sixty feet (260') from an intersection with a collector thoroughfare.
- The median opening is not less than three hundred feet (300') from any other existing or proposed median opening.
- The median width is sufficient to permit the construction of a left turn storage lane.
- Median openings will not be permitted in left turn storage lanes. Wherever possible, median openings should serve both sides of a thoroughfare.

Driveway and Curb Openings

The minimum distance between driveways is normally twenty feet (20'). The distance between one-way, ninety-degree (90°) drives can vary between four feet (4') and twenty feet (20'). The island between angle drives should equal or exceed fifty square feet (50 S.F.) in area.

In all cases, driveway locations must conform to minimum safe sight distance and stopping sight distance standards.

Driveway Grades

The normal driveway grade within the street right-of-way is one-quarter inch per foot rise above the top of curb at the property line. The minimum elevation of a driveway at the right-of-way is two inches (2") above the top of the curb. Barrier free sidewalk construction requires a maximum driveway grade as measured from the gutter of eight percent (8%).

Where driveway construction or reconstruction must occur off the street right-of-way, the usual maximum grade is fourteen percent (14%). The maximum change in grade without vertical curve is twelve percent (12%) for any ten feet (10') in distance. Driveways should be profiled for a distance of at least twenty-five feet (25') outside the right-of-way to ensure adequate replacement design.

Due to state laws requiring barrier free construction of sidewalks, steps or other abrupt changes in sidewalk grades are prohibited at driveways.

Alley Grades

Alleys are constructed with a 5-inch inverted crown for drainage. The maximum grades for alleys are eight percent (8%) within thirty feet (30') of an intersection with a street and fourteen percent (14%) elsewhere, unless otherwise approved by the City, and the minimum grade is four tenths percent (0.4%). Changes in grade, including intersections with streets, may not exceed three percent (3%) without providing vertical curves.

Pavement Design

Factors which influence the performance of thoroughfare pavement include the subgrade upon which the pavement structure rests, the quality of materials used to construct the pavement, and the type and amount of traffic using the facility. In designing a pavement that will provide a reasonable degree of performance during an expected 40-year design life, certain factors can be predetermined.

The load bearing capacity of the subgrade will be determined by making a soils engineering investigation of the site. The strength of the pavement can also be established by specifications and quality control during construction.

Standard pavement sections are established in Table No. 10A, "Minimum Standard Concrete Street Pavement Design". Unless otherwise approved by the City Engineer, all new pavements shall be Portland Cement Concrete. All new public roads and fire lanes within the City of Alvarado shall be reinforced with steel, and Table 10B—"Minimum Standard Asphalt Street Pavement Design". Unusual design conditions may be encountered that will preclude the use of Table No. 10A—~~or 10B~~. The proposed pavement will be designed in accordance with the geotechnical investigation or Table No. 10A—~~or 10B~~, whichever is more restrictive.

Table No. 10A
MINIMUM STANDARD CONCRETE STREET PAVEMENT DESIGN

TYPE OF STREET	MINIMUM SUBGRADE TREATMENT	CONCRETE THICKNESS (IN)	PAVEMENT STRENGTH (PSI)	REBAR SIZE AND SPACING
Driveway Residential	2" cushion sand	<u>56</u>	3,000	No.3 24" longitudinal 24" traverse
Driveway Commercial	2" cushion sand	<u>67</u>	3,000 4,000	No. <u>34</u> 24" longitudinal 24" traverse
Alley	6" lime or cement treated material	<u>67</u>	3,000 4,000	No. <u>34</u> 22" 24" longitudinal 24" traverse
Residential	6" lime or cement treated material	<u>67</u>	3,000 4,000	No. <u>34</u> 22" 24" longitudinal 24" traverse
Collector	6" lime or cement treated material	<u>68</u>	3,000 4,000	No. <u>34</u> 22" 24" longitudinal 24" traverse
Arterial	6"-8" lime or cement treated material	<u>110</u>	3,000 4,000	No. <u>34</u> 22" <u>24"</u> longitudinal 24" traverse

Table No. 10B
MINIMUM STANDARD ASPHALT STREET PAVEMENT DESIGN

TYPE OF STREET	MINIMUM SUBGRADE TREATMENT	HMAC BASE COURSE TYPE 'A' OR 'B' THICKNESS (IN)	HMAC SURFACE COURSE TYPE 'D' THICKNESS (IN)
Alley	6" lime or cement treated material	4	2
Residential	6" lime or cement treated material	4	2
Collector	6" lime or cement treated material	4	2
Arterial	8" lime or cement treated material	8	2

The subdivider or contractor will be required to furnish soil tests on the subgrade soils at four-hundred-foot (400') intervals, or more frequently if material changes are encountered. Such data will include, but is not necessarily limited to Liquid Limit, Plasticity Index (P.I.), and Percent Passing No. 200 sieve. An independent testing laboratory approved by the City of Alvarado, at the subdivider or contractor's expense, will perform tests.

All subgrades will be stabilized with lime or cement depending on the type of soil encountered. The amount and type of stabilization will be in accordance with the geotechnical investigation recommendation or as shown in Table No. 10A and 10B, whichever is more restrictive.

Curbs will not be more than six inches (6") wide at the top and seven- and one-half inches (7½") wide at the base and not more than seven inches (7") or less than six inches (6") high. Gutter will be a minimum of twenty-four inches (24") wide. Curb and gutter shall be reinforced with three number 4 (3- #4) bars, two (2) in the base and one (1) in the roll.

The method of design for all paving will be in accordance with the latest practices of the American Association of State Highway and Transportation Officials, the Texas Department of Transportation or the Portland Cement Association. The materials used in the construction of concrete pavements will conform to the requirements of the latest edition of the Texas Department of Transportation's Standard Specification for the Construction of Highways, Streets, and Bridges.

WATER AND SANITARY SEWER

All water and sanitary sewer improvements proposed for any subdivision to be developed under the jurisdiction of this ordinance shall be furnished and installed by the subdivider in accordance with the "*Standard Specifications for Public Works Construction*", published by the North Central Texas Council of Governments (NCTCOG), latest edition.

The purpose of this section is to provide a set of minimum design standards to be used in the design of water and sanitary sewer facilities in the City of Alvarado. These guidelines will be used by consulting engineers employed by the city and engineers for private developments in the city. Each sheet of the plans and profiles will bear the seal and signature of the registered professional civil engineer who prepared them. The Director of Public Works may approve unusual circumstances or special designs requiring a variance from the design standards.

1. Approved fire hydrants shall be provided at locations such that all areas of single-family residential development are located within a five hundred (500) feet radius from a fire hydrant and the hose line route to each building will not be more than six hundred (600) feet by public right-of-way. In areas other than single family residential development the radius shall be not less than three hundred (300) feet and the hose line route shall not be less than three hundred (300) feet. In locating fire hydrants,

preferences shall be given to street intersections;

2. Valves of approved design shall be located such that the distance between valves is a maximum of six hundred feet (600') on 12" and smaller lines. On larger lines spacing shall be subject to approval of the City's consulting engineer. Valves shall be furnished with extensions such that the working nut is a maximum of 48" below grade. A minimum of two (2) valves shall be placed at each water main tee and a minimum of three (3) valves shall be placed at each water main cross. Each fire hydrant shall be provided with a valve on its lead pipe;
3. Adequate air and vacuum relief, draining and flushing valves must be providing for flushing, disinfecting, daily operations requirements and repairs of the water system;
4. Sanitary sewer manholes will be located at intersections of other sewers and at intermediate spacing along the line. Generally, the maximum spacing should not exceed five hundred (500) feet. Manholes are required for any six (6) inch connection or greater. Manholes will be located at all changes in grade or alignment and at the ends of all sewers that will be extended;
5. Water services for each lot shall be a minimum of 1" type K copper tubing. Sanitary sewer service to each lot shall be a minimum of four (4) inch ASTM D3034 DR-35 PVC pipe;
6. Manholes shall be constructed water-tight with water-tight lids;
7. No connection will be made to any sanitary sewerage system within the City which will permit the entrance of surface water or waste of other than domestic sewage characteristics without specific authorization by the City Council;
8. The provisions for lift stations or separate treatment facilities will not be permitted unless approved by the City Council;
9. The specifications for materials and workmanship shall conform to *The Standard Specifications for Public Works Construction* published by the North Central Texas Council of Governments, latest edition.

STORM DRAINAGE

The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and any other drainage facilities shall conform to the latest Stormwater Criteria Manual of the City of Fort Worth, TX.

ORDINANCE NO. 2023-0004

AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, AMENDING THE SUBDIVISION REGULATIONS OF THE CITY, CHAPTER 34 OF THE CODE OF ORDINANCES, BY ADOPTING UPDATES TO THE DESIGN STANDARDS MANUAL OF THE CITY FOR THE DESIGN AND CONSTRUCTION OF ALL WATER AND SEWER SYSTEMS, STREETS AND DRAINAGE FACILITIES IN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has previously adopted a Subdivision Ordinance for the purpose of promoting health, safety, and general welfare of the citizens of the City of Alvarado and the area within one mile of the corporate limits of the City of Alvarado and to lessen congestion in proposed streets, and to provide adequate light and air, and to prevent overcrowding of land, and to avoid undue concentration of population, and to facilitate the adequate provision of water, sewage, and other utilities, parks, and other public requirements; and

WHEREAS, the City desires to amend the subdivision regulations to adopt certain amendments to the City of Alvarado Design Standards Manual governing the design and construction of all water and sewer systems, streets, and drainage facilities in the City; and

WHEREAS, Sec. 212.002 of the Code provides that after a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the City; and

WHEREAS, in accordance with Section 212.002 of the Texas Local Government Code a public hearing was held by the City Council of the City of Alvarado, Texas on February 20, 2023, with respect to the amendments described herein; and

WHEREAS, all requirements of Chapter 212 of the Texas Local Government Code, and all procedural requirements for the amendment of the Subdivision Ordinance have been complied with.

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

SECTION 1: That the City of Alvarado Design Standards Manual is hereby amended and adopted, and is attached to this Ordinance as Exhibit "A." Pursuant to Section 34-162, the City of Alvarado Design Standards Manual, as amended herein, shall be kept on file with the City Secretary and shall not be codified.

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

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

SECTION 4: All rights or remedies of the City of Alvarado, Texas are expressly saved as to any and all violations of any ordinance affecting subdivisions or design standards that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5: This ordinance shall be in full force and effect from and after its passage as required by law,

AND IT IS SO ORDAINED.

Passed on this 20 day of February, 2023.

CITY OF ALVARADO

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth A. Walls, City Secretary

**AMENDMENT NO. 1 TO THE
CONSTRUCTION MANAGEMENT AT RISK SERVICES AGREEMENT**

**For the City of Alvarado, Texas
Wastewater Treatment Plant Expansion**

Early Work Package – Package Plant Design Submittal

This amendment (the "Amendment") is made and dated as of _____ 2023, between the City of Alvarado, Texas, ("City" or "Owner") and the construction manager at risk ("CMAR"), Archer Western Construction, LLC, Parties to the Construction Management at Risk Services Agreement (the "Agreement").

WHEREAS, the City must expand their wastewater treatment plant (the "Project") to accommodate developments and associated cost sharing agreements with developers; and

WHEREAS, the Construction Management At Risk Services Agreement allows for Early Work Packages for a portion of Work that the Parties agree should be performed prior to the establishment of a Guaranteed Maximum Price (GMP) for the Project; and

WHEREAS, the Construction Management At Risk Services Agreement allows for Early Work Packages to facilitate the early preparation of the Site, purchase long lead time materials and equipment and otherwise accelerate certain portions of the Work in advance of an agreement between the City and CMAR regarding the GMP Amendment for the entire Work; and

WHEREAS, the Construction Management At Risk Services Agreement in Article 9, Sections 9.03, 9.04, 9.05, 9.06 and 9.07 allow the CMAR to implement Early Work Packages upon the written agreement of the Parties;

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

1. Construction Managers at Risk Service Agreement

a. Amend Article 6, CMAR's Construction Services Fee, Section 6.02:

"6.02 If Owner approves the use of contingency funds in accordance with Article 8 of this Agreement, CMAR shall be paid **eight** percent (**8** %) of the contingency funds approved by Owner as its fee for construction services associated with the contingency work. ~~{To be negotiated at the time of GMP Amendment}~~

b. Amend Article 8, Contingency Funds, Section 8.02:

"8.02 The amount of the contingency funds shall be **three** percent (**3** %) of the Cost of Work. ~~{To be negotiated at the time of the GMP Amendment}~~"

2. Standard General Conditions of the Construction Contract

a. Amend Article 11, Cost of Work, Section 11.01, A.1.c:

“c. General Conditions: The following costs shall be called “General Conditions.” Contractor shall be compensated for these costs on a flat fee basis. The flat fee shall be calculated as the sum of costs described in Articles 11.01(A)(1)(a) and (b), multiplied by **eight percent (8 %)** ~~that General Conditions percentage that will be negotiated at the time of the Guaranteed Maximum Price Amendment~~. The intent is that the CMAR is to be paid General Conditions based upon a constant percentage of the Subcontractor costs, bid-and-self-performed Work costs, materials and equipment costs, and special consultant costs. It is understood that the actual costs incurred by the Contractor for these General Conditions may, in fact, be more or less than that which is calculated with this agreed-upon formula. Both Owner and Contractor agree to be bound by said formula, regardless of the actual General Conditions costs incurred. The following costs are considered General Conditions and shall be paid in accordance with the aforementioned flat fee General Conditions formula:”

3. Early Work Package – Package Plant Design Submittal:

a. Scope of Work: Provide an unsealed design submittal for the proposed AUC Group Package Plant as bid in Proposal Package 1 – Package Plant for WWTP Expansion and in accordance with the following specifications from Proposal Package 1:

- 01 33 00 Document Management
- 01 32 00 Shop Drawings
- 46 07 53 Packaged Wastewater Treatment Equipment; subsections 1.06.B through 1.06.F.

b. The Package Plant Design Submittal shall be submitted to the Engineer within 30 calendar days from execution of this Amendment.

4. Total Cost of Amendment No. 1

a. Subcontractor (AUC Group, LLC.) Proposal Price	<u>\$55,000.00</u>
b. CMAR (Archer Western) General Conditions Cost (8.0% of Proposal Price) (0.08 times Item a)	<u>\$4,400.00</u>
c. Cost of Work Total	<u>\$59,500.00</u>
d. CMAR Fee (8% of the Cost of Work) (0.08 times Item c)	<u>\$4,752.00</u>
e. CMAR Contingency (3% of the Cost of Work) (0.03 times Item c)	<u>\$1,782.00</u>
f. Total Cost (add Items c plus d plus e)	<u>\$65,934.00</u>

5. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement, the terms of the Agreement will prevail.

By: City of Alvarado, Texas

Printed Name: Paul DeBuff

Title: City Manager

Dated: _____

By: Archer Western, LLC

Printed Name: Michael Suarez

Title: Program Manager

Dated: 2/1/2023

 Sign

 Print

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ESTIMATE

Black Rock Paving And SealCoating Estimate #

296

6705009 Alvarado Dr

Date

02/16/2023

(817) 266-1266

Phone: (800) 788-0698 (tel:(800) 788-0698)

Secondary: (817) 266-1266 (tel:(817) 266-1266)

Email: blackrockpaving95@yahoo.com (mailto:blackrockpaving95@yahoo.com)

Web: blackrockpavingtx.com (//blackrockpavingtx.com)

Description

Total

Description	Total
Proposal for patch and over lay on Cummings	\$29,200.00
1. To machine clean edges of road	
2. Tack seal areas in preparation for asphalt	
3. Hand patch holes and compact	
4. Use paving machine to level up areas as discussed with Dennis Stewart and compact.	
Area spoke about is From HWY 67 to last entrance of high school	
Scope of project calls for approximately 80 tons of asphalt at a rate of \$365 per ton installed.	
Subtotal	\$29,200.00
Total	\$29,200.00

Notes:

Per ton price includes labor, material and trucking for a furnished price.

Weight slips will be provided at the end of job to determine exact tonnage.

To be paid in full upon completion of work.

City Of Alvarado



420 Decker Drive, Suite 200
Irving, TX 75062
Phone: (214) 741-3531

PROPOSAL

N. Cummings Drive Level up and Overlay

Thursday, February 16, 2023

Dennis Stewart
stewartd@cityofalvarado.org

City of Alvarado

Dennis,

Please see our quote with inclusions/exclusions below. If accepted, please sign and return to this email address. If you have any questions please feel free to contact me. We look forward to doing business with you.

Russell A. Harris
469-510-6655
russell.harris@texasbit.com



420 Decker Drive, Suite 200
Irving, TX 75062
Phone: (214) 741-3531

TexasBit (Seller) offers to furnish the equipment, labor, materials and/or services described below to (City of Alvarado) in connection with construction of improvements at the above project. This proposal is valid for (30) days unless otherwise specified.

2/16/2023

<u>Item</u>	<u>Bid Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Total</u>
1	Level up wheel ruts and potholes	400.000	TON	326.25 \$	130,500.00
2	Barricades & Traffic Control	1.000	LSU	3,900.00 \$	3,900.00

NOTE: Hot mix asphalt material quantity for level up is for estimating and bidding purposes only. Owner will be invoiced for actual total of tons used based upon total tonnage of haul tickets received from plant.

Grand Total: \$ 134,400.00

Does not include bond. Please add 1.25% if required.

GC must provide a water meter, and water source.

No provision has been made for permanent materials tax. If this project does not qualify as tax-exempt under state law, tax for materials will be billed at the prevailing tax rate.

Maintenance of traffic control and SWPPP measures already in place affected by our work. Installation is not included in pricing unless listed. Pricing based on **ONE** move-in. Add \$4,500 for any additional moves-in required.

Any process or design information shared by Texas Bit is for informational purposes only. Texas Bit will not be responsible for design.

Texas Bit is to be wholly indemnified from any and all claims arising from any pre-existing hazardous conditions or materials encountered.

Texas Bit's scope of work will only include those items specifically included as bid items in this proposal.

This proposal and its exclusions must become part of any final contract agreement.

This Proposal and any subsequent agreement is contingent on verifiable payment guarantees from Owner, satisfactory to TexasBit prior to the signing of any contract documents.

Payments are due on the 20th of each month, following the month in which the work was performed. This is a unit price proposal and monthly estimates will be based on actual measured quantities in place, less ten percent retainage.

This quote will remain valid for **30 days** after which pricing of labor and materials are subject to change unless executed within that time frame.

Once this quote is signed, prices will remain in effect thru 2023. Beginning January 1, 2024, there will be a 3% increase, and each six months there after.

Any quantity overruns will be paid by the above unit pricing - quantity over or underruns more than 25% will be repriced via change order

Does not include:

Layout staking	Inspection Fees
Materials testing	Permits
Barricades	Topsoil
Backfill	Any SW3P Install
Traffic Markings	
Signage	

Initial: _____



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TEXAS MATERIALS GROUP, INC. dba TEXASBIT - STANDARD TERMS AND CONDITIONS

- 1. Applicability.** These terms and conditions are incorporated into Seller's Quotation & Contract (collectively, the "Contract"). The Contract comprises the entire agreement between the parties, and supersedes all prior or contemporaneous communications, understandings, agreements, negotiations, representations and warranties. The Contract prevails over any of Buyer's general terms and conditions of purchase regardless whether or when Buyer may have submitted a purchase order or contract.
- 2. Payment.** Payment terms are net 30 days from date of Seller's invoice or sooner as may be required by applicable law. Late payments shall accrue a finance charge of one and one-half percent (1½%) per month or the highest rate allowable by law, whichever is less. Seller shall be entitled to recover all costs and expenses, including reasonable attorneys' fees, arising out of Buyer's failure to make all payments due under this Contract in a timely manner.
- 3. Taxes.** Buyer is responsible for payment of all taxes and duties not specifically assumed in writing by Seller in the Contract. Buyer agrees to defend, indemnify and hold Seller harmless from any damages and expenses related to any levy or attempted levy of any other taxes on Seller.
- 4. Suspension; Termination.** In addition to any other remedies available to Seller, Seller may suspend or terminate this Contract with immediate effect upon written notice to Buyer, if Buyer: (i) fails to pay any amount when due under this Contract (or any other agreement Buyer has with Seller); (ii) has not otherwise performed or complied with any of these terms (or complied with the terms of any other agreement Buyer has with Seller); (iii) becomes insolvent, files a petition for bankruptcy or commences or has commenced against it proceedings relating to bankruptcy, receivership, reorganization or assignment for the benefit of creditors; or (iv) exhibits other adverse credit conditions that are unsatisfactory to Seller, as determined by Seller in its sole discretion.
- 5. Warranty.** Seller warrants that the goods and services herein will conform to the specifications provided to Seller prior to manufacture of the goods and/or Seller's performance of the services. Seller's obligation to meet the applicable specifications supersedes any and all other warranties. SELLER DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THOSE OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSES. Buyer shall verify that Seller's materials comply with the plans and specifications prior to installation. Changes to the plans and specifications shall be made by written change order and Seller shall be entitled to an equitable price adjustment for such changes. The express limited warranty set forth herein shall be void if Buyer fails to pay Seller in full for the materials provided by Seller pursuant to this Contract.
- 6. Modification.** No amendment or modification of this Contract shall be valid or enforceable unless in writing and signed by the party sought to be charged, and no prior or current course of dealing between the parties, or any usage of trade or custom of the industry shall modify or supplement the terms and conditions of this Contract.
- 7. No Waiver.** The failure of Seller to exercise any right granted hereunder shall not impair or waive Seller's privilege of exercising such right to any subsequent time or times.
- 8. Damages.** Seller's liability for any damages related to this Contract shall be limited to, at Seller's option, (a) replacement of defective materials and work or, at Seller's option, (b) a refund of any payments made by Buyer. **IN NO EVENT SHALL SELLER BE LIABLE FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR PUNITIVE DAMAGES WITH REGARD TO ANY CLAIM ARISING OUT OF OR RELATING TO THIS CONTRACT.** It is further understood that Seller shall not be responsible for any damage to or deterioration of any of its work, whether completed or in process, resulting from any cause or causes beyond its reasonable control, including but not limited to design, failure of subgrade or other subsurface conditions, or failure or inadequacy of any labor or materials not furnished and installed by Seller, whether or not such failure or inadequacy was or could have been known at the time its work was undertaken, or for any work performed under adverse weather conditions



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9. **Indemnity.** To the maximum extent permitted by applicable law, Buyer shall defend, indemnify and hold Seller, its officers, employees, agents, insurers, sureties, and affiliates, harmless from any and all losses, damages, expenses (including attorneys' fees), claims, suits, liabilities, fines and remedial or clean-up costs arising out of or in any way related to: (i) Buyer's breach of this Agreement; or (ii) any act or omission by or on behalf of Buyer, its employees, contractors and/or agents.

10. **Applicable Law.** This Contract, and the rights, duties, obligations and remedies of the parties shall be governed by or construed in accordance with the laws of the state where the Project is located.

11. **Work Conditions:** If Seller's work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be so performed and completed as to permit Seller to perform its work in a normal uninterrupted single shift operation. Unless a time for the performance of Seller's work is specified, Seller shall undertake the work in the course of its normal operating schedule. Seller shall not be liable for any failure to undertake or complete the work for causes beyond its control, and Seller may suspend the work for causes beyond its control, including but not limited to fire, flood or other casualty; the presence on or beneath the work site of utilities, facilities, substances, or objects, including but not limited to any substance that in Seller's opinion is hazardous or toxic or the reporting, remediation, or clean-up of which is required by any law or regulation; labor disputes or other disagreements; and accidents or other mishaps, whether affecting this work or other operations in which Seller is involved, directly or indirectly. If for causes beyond Seller's control, Seller's work is not completed within twelve (12) months after the date of Buyer's acceptance of the Contract, Seller may cancel this Contract. In such event: (i) Seller shall be relieved of any further obligation with respect to the balance of the work; and (ii) Seller shall be entitled to receive final and complete payment for all work performed by us to the date of cancellation within fifteen (15) days thereafter.

12. **MANDATORY BINDING ARBITRATION:** ALL CLAIMS OR CONTROVERSIES ARISING OUT OF OR RELATED TO THIS CONTRACT, SHALL BE SUBMITTED TO AND RESOLVED BY BINDING ARBITRATION BY A SINGLE ARBITRATOR IN THE COUNTY AND STATE WHERE THE PROJECT IS LOCATED. THE AMERICAN ARBITRATION ASSOCIATION ("AAA") SHALL CONDUCT THE ARBITRATION AND THE COSTS OF THE ARBITRATION SHALL BE BORNE EQUALLY BY THE PARTIES. NOTWITHSTANDING any language to the contrary in this CONTRACT, the parties agree: that the Underlying Award may be appealed pursuant to the AAA's Optional Appellate Arbitration Rules ("Appellate Rules"); that the Underlying Award rendered by the arbitrator shall, at a minimum, be a reasoned award; and that the Underlying Award shall not be considered final until after the time for filing the notice of appeal pursuant to the Appellate Rules has expired.

I have read and acknowledge the proposal including the inclusions and exclusions within this proposal and accept this quotation as an authorized signature for the above referenced. By signing, this proposal becomes an integral part of any contract or agreement signed subsequently pertaining to the proposed work and the proposal's terms, conditions, inclusions and exclusions will not be superseded by a subsequently signed contract or agreement

Signed

Russell A. Harris

Name

Estimator

Title

Thursday, February 16, 2023

Date

Signed

Name

Title

Date

Contract/Bid Number 23-10		CONTRACT FOR SERVICES		Date:	1/26/2023
amended 2/15/2023		BATES ASPHALT & REPAIR		Exp:	2/20/2023
email:watts9620@windstream.net		PO BOX 343 GRANDVIEW TX			
		76050			
OFFICE 817-866-4842/ CELL: 817-615-0924		FIELD or job site CELL: 817-615-1318			
CLIENT INFORMATION			JOB LOCATION		
NAME	City of Alvarado	Cummings Street			
ADDRESS					
CITY,STATE,ZIP		Alvarado			
PHONE					
EMAIL					
FAX					
SERVICES TO BE PERFORMED:	BUDGET PROPOSAL	PAYMENT TERM	HDPR		
All asphalt /No base					
Average based on 4" ~11310 SF					
Remeasured area from Cummings and 67 to school (as shown by					
Alvarado city personelle)					
Install TYPE D hot mix total deptl fill/not cut out					
285/ton installed fill mix for 168 total Estimated tons				\$	47,880.00
10 buckets asphalt tack binder				\$	500.00
Barracade supplies 50 cones maximum				\$	1,250.00
TOTAL				\$	49,630.00
Bates Asphalt will only bill for exact tons used with supporting documents provided by TEXAS BIT Asphalt mix plant and trucking sources.					
At volume estimated there are slight discounts that are included in the price per ton charged resulting in \$285 per ton installed. Should the plant go up in material pricing or availability of materials go outside local plant for delivery this will not exceed an amount of \$300 per ton. CAP.					
Spring Break March 11-15 is set aside for construction however this is not a realistic time frame to get all repairs completed. Suggestion to be start on (X) work day beginning at 8:30 am to 3:00 pm to allow school traffic and bus routes to be complete. Normal traffic flow will need to be controlled around ~200ft to ~500 ft sections in order to minimize impact on daily flow. Once mix is in place barracade areas can be moved immediately for use to additional sections with previous sections released to traffic.					
WEATHER will be a big part in availability of materials and operation days. Days must be dry and optimal for installing and setting asphalt (55 degrees and above) preffered base temperature.					
Use of laydown machine in the areas is not permissable due to angles of the slopes in which asphalt is to be installed. This will need to be utilized by bobcat and roller and or vibrapack. This is deemed more of piece work rather than overlay runs.					
Deepest areas are to be filled first in order to utilize materials in the best efficiency possible					
Maximum effort will be made to accommodate any and all needs to minimize traffic flow or interference with timing of school functions. March 11-15 will be utilized for longer areas if possible .					
CONTRACT PAYMENT TERMS:					
PAYMENT TERMS:					
DOC-Due on completion					
HDPR- Half Deposit required for jobs over \$5,000.00-49,999.00				TOTAL:	See above

3DPR- Third Deposit required for jobs over \$50,000.00 Third at mid project and remainder at completion

DDC- Demand Draw Cost required for jobs over \$100,000.00

CT-Contractor agreed terms for subcontract

Late fees for non payment are 5% day 1 and 1% each day after accrued unless previously agreed terms are made.

CONTRACT DISCLOSURES: PLEASE READ AND UNDERSTAND BEFORE SIGNING CONTRACT

THIS IS A BINDING CONTRACT BETWEEN OWNER/AND OR REPRESENTATIVE MANAGEMENT AS STATED ABOVE.

BATES ASPHALT & REPAIR AGREES TO TERMS AS SET OUT IN ABOVE DESCRIPTION.

NO ALTERATIONS OR DEVIATIONS WILL BE PERFORMED WITHOUT WRITTEN AGREEMENT FROM BOTH PARTIES.

ANY EXTRA SERVICES NEEDED WILL BE ABOVE AGREED COST AND ADDED IN AS AN AMMENDMENT TO ABOVE CONTRACT.

CLIENT AGREES TO PAY FOR SERVICES RENDERED AS DESCRIBED.

NON PAYMENT FOR SET INVOICED TIME WILL RESULT IN LATE FEES.

ALL DOWN PAYMENTS REQUIRED WILL BE MADE BEFORE DAY 1 OF CONSTRUCTION.

SHOULD DOWN PAYMENT NOT BE RECEIVED, STATUS OF START DATE MAY BE DELAYED AND SAID JOB MAY BE PLACED AT A LATER DATE IN TIME BEHIND OTHER SCHEDULED JOBS.

DUE ON COMPLETION PAYMENTS WILL BE MADE NO LATER THAN 24 HOURS AFTER NOTICE OF JOB COMPLETION.

ACCOUNT INFORMATION FOR DEPOSITING FUNDS CAN BE OBTAINED FROM BATES ASPHALT -817-866-4842

THIS CONTRACT MAY BE ENTERED INTO A PACKAGE AS A SUBCONTRACTOR UNDER A GENERAL CONTRACTOR AND PAYMENT TERM WILL FOLLOW AGREED PAYMENT PROCESSES FROM CONTRACTOR.

CLIENT AGREES AND ACKNOWLEDGES THAT DELAYS MAY INTERRUPT CONSTRUCTION BEFORE START AND BEYOND COMPLETION DATES EXPECTED. THIS MAY INCLUDE BUT NOT LIMITED TO: WEATHER, EQUIPMENT MALFUNCTION, JURY DUTY MATERIAL SHORTAGES or DELAYS IN RECEIVING MATERIALS ORDERED. EARLY CLOSURES OF MATERIALS PRODUCTION PLANTS ILLNESS BEYOND OUR CONTROL, CATASTROPHIC EVENTS, DEATH.

BATE ASPHALT WILL NOTIFY AT EARLIEST ONSET OF ANY DELAY POSSIBLE TO CLIENT, CLIENT AGREES TO ACCEPT SUCH NOTIFICATION.

BATES ASPHALT WILL CONDUCT SERVICES IN A BUSINESS LIKE MANNER BOTH ON SITE AND THROUGH VERBAL COMMUNICATIONS AND WILL MAKE EVERY ATTEMPT TO COMMUNICATE ANY ADDITIONAL NEEDS OR PROBLEMATIC CIRCUMSTANCES TO CLIENT.

CLIENT AGREES TO RESOLVE ANY ONSITE EFFORTS IN A BUSINESS LIKE MANNER AND BE DILIGENT IN RESOLVING ISSUES.

BATES ASPHALT RESERVES THE RIGHT TO CANCEL CONTRACT AND CEASE CONSTRUCTION IN CASE OF: DEATH, ILLNESS REQUIRING UNDETERMINED ABSENT AMOUNT OF TIME, FAILED COMMUNICATION EFFORTS FROM CLIENT, CATASTROPHIC EVENTS MAJOR EQUIPMENT FAILURE. SHOULD SUCH AN EVENT OCCUR, CLIENT AGREES TO PAY SERVICES RENDERED FOR COMPLETED SECTIONS OF WORK AT PRORATED AMOUNT PER SERVICE UNDISPUTED. BATES ASPHALT WILL PROVIDE WITHIN 15 DAYS OF SUCH OCCURANCE AN INVOICE STATING SERVICES COMPLETED AND PAYMENT WILL BE MADE IMMEDIATELY WITHIN 24 HOURS.

ADDITIONALLY IF MATERIALS OR SUPPLIERS ARE PAID IN FULL FOR CONTRACTED ORDER CLIENT WILL AGREE TO PAY IN FULL TO BATES ASPHALT ALL REIMBURSEMENT FOR MATERIALS PURCHASED FOR THAT JOB AT PURCHASE PRICE.

BATES ASPHALT WILL MAKE EVERY EFFORT TO MAINTAIN A REASONABLY DEBRIS CONTROLLED CONSTRUCTION AREA.

CONSTRUCTION AND CLEANING WILL CAUSE SOME DUST. CLIENT IS RESPONSIBLE FOR COVERING ANY ELECTRONIC SERVICE EQUIPMENT IN AREA SUCH AS ATM'S , VIDEO EQUIPMENT, AC UNITS IF NEEDED.

CLIENT IS RESPONSIBLE FOR VEHICLE REMOVAL AND REPORTING TO ADJACENT TENANTS OF CONSTRUCTION EFFORTS.

BATES ASPHALT IS NOT RESPONSIBLE FOR MONITORING OTHERS PROPERTY FROM GETTING DUST OR OVERSPRAY OR DEBRIS ON PERSONAL PROPERTY AND IS NOT RESPONSIBLE FOR WASHING AUTOS, WINDOWS OR BUILDINGS DUE TO DUST OR DEBRIS BUILD UP FROM CLEANING OR BLOWING LOTS. BATES ASPHALT WILL MAKE EVERY EFFORT TO BE DILIGENT IN CONTROLLING DUST OR DEBRIS WITHIN REASON. SHOULD OTHER CONTRACTORS BE WORKING IN SAME OR ADJACENT AREA, BATES ASPHALT IS ONLY REQUIRED TO CLEAN UP AFTER ONLY OUR WORK RELATED CONSTRUCTION DEBRIS.

BATES IS NOT RESPONSIBLE FOR TENANTS OR OUTSIDE INFLUENCE DISREGUARD OF BOUNDARIES SUCH AS CAUTION TAPE CONES, OR BARRICADES. SHOULD ANY DAMAGE OCCUR FROM WALKING THROUGH SEALER, PAINT, ASPHALT IT IS UP TO CLIENT TO PAY FOR COST FOR ANY AREA TO BE RE-DONE.

SEALCOATING AND STRIPING: CLIENT IS RESPONSIBLE FOR ALL VEHICLES IN PROXIMITY TO BE REMOVED TO A SAFE DISTANCE FROM SPRAY. BATES ASPHALT WILL NOT SPRAY SEALCOATING OR STRIPE NEXT TO ANY VEHICLE .

WIND OR WEATHER MAY BE A CAUSE FOR DELAY OR CANCELLATION OF SEAL OR STRIPING ACTIVITIES.

BATES ASPHALT WILL NOT REMOVE ANY DISPLAYS, SIGNS, MERCHANDISE FROM LOTS.

POWERWASHING OVERSPRAY IS POSSIBLE, CLIENT IS RESPONSIBLE FOR REMOVAL OF VEHICLES TO AREAS AWAY

FROM SPRAY. BATES ASPHALT WILL NOT WASH OR REIMBURSE FOR WASHING AUTOS FOR WATER DROPLETS

OR DEBRIS SPRAY AS RESULT FROM POWERWASHING. ANY ELECTRONICS IN PROXIMITY WILL NEED TO BE COVERED BY CLIENT.

EMAIL SIGNATURE OF ACCEPTANCE IN REFERENCE TO CONTRACT NUMBER IS ACCEPTABLE WITH TOTAL PAYMENT AMOUNT DISCLOSED IN EMAIL. NO WORK SHALL COMMENCE WITHOUT SIGNATURE , NO EXCEPTIONS. ONE OWNER AND OR APPOINTED AGENT SIGNATURE IS REQUIRED. IF AGENT IS NO LONGER EMPLOYEED IT IS LEAGAL LIABILITY OF OWNER FOR PAYMENT.

BATES ASPHALT ONLY AND ENTIRELY BE ABLE TO CORRECT OR RESOLVE ANY WORKMANSHIP RESOLUTION

DUE TO ANY DEFECT IN WORKMANSHIP. BATES ASPHALT WILL NOT BE RESPONSIBLE FOR ANY PAYMENT TO OTHER CONTRACTORS FOR ANY REPAIRS DONE TO PREVIOUSLY CONTRACTED WORK. ON SITE EFFORTS WILL BE MADE TO CORRECT ANY UNSATISFACTORY

WORKMANSHIP WITH EXCEPTION OF MATERIAL FAILURE IN WHICH BATES ASPHALT WILL PROCURE NEW MATERIALS FROM

ACCEPTED VENDOR AS REPLACEMENT. BATES ASPHALT ONLY USES QUALIFIED TEXAS DEPARTMENT OF TRANSPORTATION

MATERIALS, APAC, VULCAN, TEXAS BIT, COLORADO MATERIALS,CENTERLINE, TRANSLINE,TOP SEAL, VANCE BROTHERS.
ALL PRODUCTS HAVE MSDS AND MATERIAL SPEC SHEETS UPON REQUEST.

NOTICE TO PROPERTY MANAGERMENTS---BATES ASPHALT REQUIRES PAYMENT FOR SERVICES RENDERED WHETHER OR NOT THE
PROPERTY MANAGEMENT RECEIVES PAYMENT FROM PROPERTY OWNER. AS THE HIRING REPRESENTATIVE IT IS SOLEY THE
RESPONSIBILITY FOR PAYMENT PER CONTRACT SERVICES AND SIGNATURE ACCEPTANCE NO LATER THAN 30 DAYS UNLESS
PRIOR ARRANGEMENTS ARE NOTED AND ACCEPTED WITHIN SERVICE AGREEMENT.

ABSOLUTLEY NO EXCEPTIONS

IF A RETAINAGE IS ACCEPTED THROUGH A CONTRACTOR PACKAGE-CONTRACTOR IS SOLEY RESPONSIBLE TO PAY BATES ASPHALT
WITHIN A 3 MONTH PERIOD REGARDLESS IF CONTRACTOR HAS BEEN PAID COMPLETION ON JOB AS A WHOLE.

IF PAYMENT IS COURT LITIGATED THE CLIENT RESPONSIBLE FOR INCURRING SUIT WILL ALSO BE RESPONSIBLE FOR COURT COSTS

CLIENT ACKNOWLEDGEMENT OF DISCLOSURE. PLEASE INITIAL IN BOX

DATE

TOTAL CONTRACT ACCEPTANCE SIGNATURE OF OWNER OR APPROVED AGENT

CLIENT/APPROVED AGENT

DATE