

**REGULAR MEETING OF THE
CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
MARCH 18, 2024
6:30 PM**

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, March 18 at 6:30 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER - Roll Call - Council determines excused/unexcused absence of members.

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. 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 the minutes of the 02/19/2024 Regular City Council Meeting.

NEW BUSINESS:

2. Consideration and action to allow the City Manager to execute an agreement with and award the bid for Patton Street reconstruction to L&S Construction. (Dwiggins)
3. Consideration and action to allow the City Manager to execute an agreement with and award the bid for reconstruction of S. Baugh from Carver Street to S. Sparks to Reynolds asphalt. (Dwiggins)
4. Status update on City of Alvarado Police Department renovations. (May)
5. Consideration and action on approving Old Settlers Reunion 2024 funding. (Suber)
6. Consideration and action to appoint members of the Alvarado Economic Development Corporation (AEDC). (Cromer)
7. Consideration and action on a maintenance agreement between the City of Alvarado and the Parks of Alvarado Property Owners Association, Inc. for 1.3817 acres known as Lot 44x, Block A of the Parks of Alvarado Addition, addressed at 1501 Battery Park Drive, and for 2.613 acres known as Lot 79x, Block C of the Parks of Alvarado Addition, addressed at 1800 Fairmont Park Drive. (French)

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8. Consideration and action to approve Certification of Unopposed Candidates for the City of Alvarado May 4, 2024 General Election. (Walls)
9. Consideration and action to approve Ordinance No. 2024-0003, canceling the City of Alvarado, Texas May 4, 2024 General Election. (Walls)

EXECUTIVE SESSION:

EXECUTIVE SESSION:

- Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene in executive session to deliberate regarding the following matters:
 - 1. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items: A.) Any item listed on the agenda.
 - 2. § 551.087. Deliberation regarding economic development negotiations. The City Council may convene in Executive to discuss or deliberate regarding commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect as described above.
 - B.) Deliberate the terms and conditions of an Economic Development Incentive Program (1011 N. Cummings Drive)
 - C.) Deliberate the terms and conditions of an Economic Development Incentive Program (723 N. Cummings Drive)
 - D.) Deliberate the terms and conditions of an Economic Development Incentive Program (804 E. Davis Avenue)
 - E.) Deliberate the terms and conditions of an Economic Development Incentive Program (6757 CR 604)
 - F.) Deliberate the terms and conditions of an Economic Development Incentive Program (1203 S. Parkway Drive)

COUNCIL COMMENTS:

Pursuant to LGC Section 551.0415, City Council Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest may include, but not necessarily limited to any of the following:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

ACCESSIBILITY STATEMENT

Regular City Council Meeting Agenda

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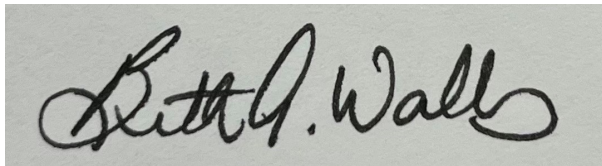
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The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as 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 Friday, March 15 at 6:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

A handwritten signature in black ink that reads "Beth A. Walls". The signature is written in a cursive style with a large, stylized "B" and "W".

Beth A Walls, TRMC, IPMA-SCP, CPM
City SecretaryHRD

CITY OF ALVARADO
County of Johnson
State of Texas
02/19/2024
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, February 19, 2024 at 6:30 p.m. The following were present for roll call:

Name	Title	Present	Absent	Excused
Jacob Wheat	Mayor	X		
Michael Bennett	Council Ward 1		X	
Beverly Short	Council Ward 1	X		
Lydia Moon	Mayor Pro-Tem Ward 2	X		
Cherry Bryant	Council Ward 2	X		
Scott Arthur	Council Ward 3	X		
Kevin Thomas	Council Ward 3	X		

Others Present:

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

Mayor Jacob Wheat call the meeting to order at 6:32 p.m. and Kevin Thomas gave the invocation.

PLEDGE OF ALLEGIANCE-

PUBLIC COMMENTS-

Jameye Jones spoke about upcoming events.

Will Keeton spoke about property variance to build a garage.

Helen Kerwin spoke about her candidacy for State Representative, District 58.

Lyndon Laird spoke about his candidacy for State Representative, District 58.

INTRODUCTION OF NEW EMPLOYEES-

PD Chief Teddy May introduced Office Dustin Compton.

CFO Laura Cox introduced Stacey Wyman, Accounts Payable/Payroll Coordinator.

Paul DeBuff introduced Hillary Cromer, Director of Economic Development / Downtown Revitalization.

CONSENT AGENDA:

AGENDA ITEM #1

CONSIDERATION AND ACTION TO APPROVE THE MINUTES OF THE 01/22/24 REGULAR CITY COUNCIL MEETING.

AGENDA ITEM #2

CONSIDERATION AND ACTION TO APPROVE THE MINUTES OF THE 02/12/24 SPECIAL CITY COUNCIL MEETING.

AGENDA ITEM #3

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2024-0006 FOR THE 2024 ATMOS CITIES STEERING COMMITTEE PAYMENT. (WALLS)

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the consent agenda.

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

NEW BUSINESS:

AGENDA ITEM #4

CONSIDERATION AND ACTION TO AWARD ATCHLEY STREET RECONSTRUCTION CONTRACT. (DWIGGINS) CRAIG KERKHOFF

Craig Kerkhoff addressed the council.

BACKGROUND & FINDINGS:

As a continuation towards achieving the goals of the “Fix the Dang Roads” program, staff and engineers with Birkhoff, Hendricks & Carter received sealed bids for the reconstruction of Atchley Street on February 1, 2024. Four contractors bid on the job, and

the lowest bid was from JR West Construction with a base bid in the amount of \$471,774.60 and a bid alternate which was \$542,327.10 Staff and engineers recommend the bid alternative of \$542,327.10 that adds a product called Glaspave reinforcement.

One of the issues we have faced with our streets is the movement of the subgrade due to the type of soil in our area, and this product is recommended by the engineers to aid in keeping cracks from forming on the surface as the subgrade moves over time. This product is new to the city but has been used successfully in other locations by our engineering firm. Glaspave is a product that is put on top of the subgrade but under the top layer of asphalt and acts as a barrier between the two when the ground shifts and should significantly increase the life span of the asphalt. This bid also includes cementing the blocks next to our fire department where they exit the fire station on every call made, therefore not only expanding the life of the work done but also the maintenance of our fire apparatuses.

FINANCIAL IMPACT:

\$542,327.10 to be paid out of the street's maintenance budget in fund 24, where there are funds to cover this expense, and it was budgeted for this fiscal year.

RECOMMENDATION:

Staff recommends awarding this bid to JR West Construction, allowing the city manager to execute the needed contract with JR West Construction.

Motion was made by Lydia Moon and seconded by Scott Arthur to approve the alternate bid of \$542,327.10 to JR West Construction LLC, allowing the city manager to execute the agreement.

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

AGENDA ITEM #5

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2024-0005 ACCEPTING THE PETITION FOR ANNEXATION, SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS, SETTING A PUBLIC HEARING DATE OF APRIL 15, 2024, FOR CITY COUNCIL TO CONSIDER ANNEXATION. (LONE OAK ANNEXATION) (FRENCH)

Justin French, Community Development Director, addressed the council.

BACKGROUND & FINDINGS:

On April 18, 2022, the Alvarado City Council approved Ordinance No. 2022-0005 that annexed 352.471 acres, known as Tract A of the Lone Oak development, at the request of the then land owners, Alvarado 429 Partners, LLC and GRBK Edgewood LLC. The new land owners, GRBK Edgewood LLC and Century Land Holdings of Texas LLC, now petition for the voluntary annexation of an additional 77.57 acres, known as Tracts B, C, and D of the Lone Oak development. As with Tract A, the subject site intends to be rezoned and developed with single-family residences as part of Lone Oak development.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council approve resolution R2024-0005.

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve Resolution R2024-0005 accepting the petition for annexation, setting an annexation schedule, providing for open meetings and other related matters, setting a Public Hearing date of April 15, 2024, for City Council to consider annexation.

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

AGENDA ITEM #6

CONSIDERATION AND ACTION ON THE APPLICATION OF RICHARD RUSHTON ON BEHALF OF AGAVE TRAIL DEVELOPMENT LLC FOR APPROVAL OF THE AGAVE TRAIL ADDITION PRELIMINARY PLAT ON 113.09 ACRES KNOWN AS TRACT 6 & A PORTION OF TRACT 22A1 IN THE JOHN ROSS SURVEY, A-737, APPROXIMATELY ADDRESSED AT 1220 AND 1300 N. CUMMINGS DRIVE. (FRENCH)

BACKGROUND & FINDINGS:

The preliminary plat application was submitted and deemed administratively complete on February 6, 2024. Per Section 34-34.c of the Alvarado subdivision ordinance, as modified by State statutes, the City Council shall:

1. Act within 30 days after the filing of the preliminary plat,
2. Conclude one of the following:
 - a. Approve.
 - b. Approve with conditions.
 - c. Disapprove with reasons.

The Future Lane Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low-Density Residential, which generally includes single-family detached residences at approximately four dwelling units per acre. On November 20, 2023, City Council approved a rezoning of the site to the Planned Development District. Staff finds the preliminary plat to comply with the minimum standards of the Alvarado subdivision ordinance and all other ordinances with the exceptions being stated in the attached recommended conditions of approval letter.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

On February 15, 2024, the Planning and Zoning Commission recommended Council approval with conditions listed in the recommended conditions of approval letter.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the application of Richard Rushton on behalf of Agave Trail Development LLC for approval of the Agave Trail Development LLC for approval of the Agave Trail Addition Preliminary Plat on 113.09 acres known as tract 6 & A portion of tract 22A1 in the John Ross Survey, A-737, approximately addressed at 1220 AND 1300 N. Cummings Drive.

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

Mayor Wheat announced that the Council would go into Executive Session at 7:09 pm. Mayor Wheat reconvened Regular Session at 7:42 pm.

EXECUTIVE SESSION:

AGENDA ITEM #7

CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE ESD. (DEBUFF)

Motion was made by Lydia Moon and seconded by Kevin Thomas to authorize the city manager to negotiate and execute an interlocal agreement with the ESD as discussed in Executive Session.

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

There being no further business, Mayor Wheat adjourned the meeting at 7:43 p.m.

Passed and approved this the 19th day of February, 2024.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls, City Secretary/HRD



City Council Meeting Management Report

Meeting Date: March 19 2024

Contact: Michael Dwiggins

AGENDA ITEM:

Consideration and action to allow the city manager to execute an agreement with and award the bid for Patton Street reconstruction to L&S construction.

BACKGROUND & FINDINGS:

As a continuation towards achieving the goals of the *"Fix the Dang Roads"* program staff has identified the need based on condition, location, and use to level up compact and resurface Patton Street. For this application and the fact the City now owns the Durapatcher, maintaining a chip-seal road will be more efficient than in the past.

FINANCIAL IMPACT:

\$72,573.60 to be paid out of the street's maintenance budget in fund 24 where there are funds to cover this expense and it was budgeted for this fiscal year.

RECOMMENDATION:

Staff recommends awarding this bid to L&S construction and allow the city manager to execute the needed agreement with L&S construction.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager



City Council Meeting Management Report

Meeting Date: March 19 2024

Contact: Michael Dwiggins

AGENDA ITEM:

Consideration and action to allow the city manager to execute an agreement with and award the bid for reconstruction of S. Baugh from Carver Street to S. Sparks to Reynolds asphalt. They will pulverize and level up and compact 8 inches and relay 2 inches of HMAC asphalt and compact.

BACKGROUND & FINDINGS:

As a continuation towards achieving the goals of the *"Fix the Dang Roads"* program staff has identified the need based on condition, location, and use to level up compact and resurface this portion of Baugh Street with asphalt.

FINANCIAL IMPACT

\$82,586.00 to be paid out of the street's maintenance budget in fund 24 where there are funds to cover this expense and it was budgeted for this fiscal year.

RECOMMENDATION:

Staff recommends awarding this bid to Reynolds asphalt and allow the city manager to execute the needed agreement with Reynolds asphalt.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager



City Council Meeting Management Report

Meeting Date: March 18, 2024

Contact: Donielle Suber, Administrative Services Director

Phone: 817-790-3351, ext. 116

AGENDA ITEM:

Consideration and action to approved \$35,834.00, in funds, for the 2024 Johnson County Pioneer & Old Settlers Reunion (JCPOSR) on August 28-31. 2024.

BACKGROUND & FINDINGS:

For more than 130 years, Johnson County residents have come together to celebrate the tradition of unity and connecting with family and friends.

On August 28-31, 2024, Johnson County Pioneer & Old Settlers Reunion (JCPOSR) Board and the City of Alvarado will host the annual Pioneer & Old Settlers Reunion at 111 Reunion Drive, Alvarado, Texas (Reunion Grounds). The Reunion board is requesting a total of \$35,834.00 for the expenses of the 2024 JCPOSR.

Attached is a budget request, from the Johnson County Pioneer & Old Settlers Board, detailing expenses for the 2024 JCPOSR festivities.

FINANCIAL IMPACT:

The financial impact totals \$35,834.00

RECOMMENDATION:

Staff recommends City Council approve \$35,834.00 in funds for the 2024 JCPOSR.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

- JCPOSR Narrative
- Hotel Occupancy Tax Funds Application
- Requested JCPOSR Budget

2024 Johnson County Pioneer & Old Settler's Reunion

This will be the 132nd year our Association has had The Reunion (or Johnson County Fair as most others would call it). This will start on Wednesday, August 28th, with an old-fashioned parade that begins in Alvarado's historic downtown and ends at the Reunion Grounds. Thereafter, we have the awarding of prizes and trophies, as well as opening speeches welcoming the people to our event and host city. After which is the Queen Contest. This is where young ladies compete for the title and scholarship. The Midway opens for people to enjoy carnival rides, games, and food. The carnival will be open each evening.

Then on Thursday, we have the lively Baby Contest.

On Friday, we have the Fiddler's Contest, facilitated by Texas Old Time Fiddler's Association.

In conclusion, on Saturday (our main event day) will feature a Baking Contest, western reenactors performing a "shoot out" from historical records. Potentially pro wrestling, and then to finish the night with a concert.

The Association wishes to thank the City of Alvarado for their continued support/sponsorship of this historical county fair and appreciate all considerations to our application.

Best Regards,

David Hearne Jr

President JCPOSR

HOTEL OCCUPANCY TAX USE GUIDELINES UNDER TEXAS STATE LAW FUNDING APPLICATION FORM

State Law: By law of the State of Texas, the City of Alvarado collects a Hotel Occupancy Tax (HOT) from hotels, bed & breakfasts, and other lodging facilities. **Chapter 351 of the Tax Code states that the use of HOT funds may be used** directly promote tourism and the hotel and convention industry.

City Policy: The City of Alvarado accepts applications from groups and businesses whose program demonstrably promotes tourism and local hotels and convention industry. All requests for funds should be submitted in writing accompanied by the official application at least 90 days before an event. Preference will be given to requests made with a longer timeframe. *Funding is limited to that budgeted for the City's fiscal year.* The application will be reviewed by the Events Committee at the earliest possible regularly scheduled meeting. The applicant may be asked to be present at the meeting to answer any questions regarding the application. Applicants will be notified one week prior to the meeting of the time and place for the review.

Based on the application (and limited to available funding), the Events Committee will make a recommendation to the City Council. The City Council will make the final decision on your request.

Eligibility and Priority for Hotel Tax Funds: Priority will be given to those events and entities based on their ability to generate overnight visitors to the City of Alvarado. If an event will not generate any meaningful hotel night activity, it is not eligible for receipt of hotel occupancy tax funds. Events can prove this potential to generate overnight visitors by:

- a) **historic information on the number of room nights used during previous years of the same events;**
- b) **current information on the size of a room block that has been reserved at area hotels to accommodate anticipated overnight guests attending the funded event;**
- c) **historical information on the number of guests at hotel or other lodging facilities that attended the funded event (through surveys, guest directories, or other sources; and/or**
- d) **examples of the planned marketing of the programs and activities that will likely generate overnight visitors to local lodging properties from this event.**

Use of Revenues from Event: A portion of the revenues from any event and/or project receiving any type of funding assistance from the HOT funds should be channeled back into the future costs of operating that same event or the continued operation of the project. No other outside event(s), project, charity, etc., sponsored by the host organization may profit from the City of Alvarado's funding of a particular event.

Supplemental Information Required With Application: Along with the application, please submit the following:

_____ Proposed Marketing Plan for Funded Event

_____ Schedule of Activities or Events Relating to the Funded Project

Submit to: Jules Rosen, Events Manager
rosenj@cityofalvarado.org
(682) 413-3453

Application

Date: March 14, 2024

Organization Information

Name of Organization: Johnson County Pioneer & Old Settler's Reunion

Address: P.O.Box 217; 111 Reunion Dr

City, State, Zip: Alvarado, TX
76009

Contact Name: David Hearne Jr Contact Phone Number:
682.420.3330

Web Site Address for Event or Sponsoring Entity
N/A

Non-Profit or For-Profit status: Non Profit
Tax ID #: 75-1723293

Entity's Creation Date: 1832

Purpose of your organization: To bring together the people of Johnson County and surrounding areas for the purpose of re-establishing old friendships, creating new ones, and passing on history and traditions.

Event Information

Name of Event or Project: 132nd Johnson County Pioneer & Old Settler's Reunion (ie The Johnson County Fair)

Date of Event or Project: August 28-31, 2024

Primary Location of Event or Project: 111 Reunion Dr Alvarado, TX 76009

Amount Requested: \$ 35,834.00

How will the funds be used: These funds will assist in covering costs associated with the marketing/promotion of the 3rd oldest county fair in the State of Texas. Within that marketing, we will be promoting our host city as well as the hotels and businesses.

Primary Purpose of Funded Activity/Facility: Johnson County Fair

Percentage of Hotel Tax Support of Related Costs

70% Percentage of Total **Event Costs** Covered by Hotel Occupancy Tax

20% Percentage of Total **Facility Costs** Covered by Hotel Occupancy Tax for the Funded Event

10% Percentage of **Staff Costs** Covered by Hotel Occupancy Tax for the Funded Event

If staff costs are covered, estimate percentage of time staff spends annually on the funded event(s) compared to other activities 100% (but most others are volunteers)

Which Category or Categories Apply to Funding Request, and Amount Requested Under Each Category:

- ☐ **a) Convention Center or Visitor Information Center:** construction, improvement, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both. Amount requested under this category: \$ _____
- ☐ **b) Registration of Convention Delegates:** furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants. Amount requested under this category: \$ _____
- ☐ **c) Advertising, Solicitations, Promotional programs to attract tourists and convention delegates** or registrants to the municipality or its vicinity. Amount requested under this category: \$ 6500.00
- ☐ **d) Promotion of the Arts that Directly Enhance Tourism and the Hotel & Convention Industry:** the encouragement, promotion, improvement, and application of the arts that can be shown to have some direct impact on tourism and the hotel/convention industry. The impact may be that the art facility or event can show hotel nights that are booked due to their events or that guests at hotels attend the arts event. Eligible forms of art include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture photography, graphic and craft arts, motion picture, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms : \$ 5550.00

- ☐ e) Historical restoration and preservation projects or activities or advertising and conducting solicitation and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums. Amount requested under this category: \$ 23,784.00

- ☐ f) Expenses including promotional expenses, directly related to a sporting event in which the majority of participants are tourists. The event must substantially increase economic activity at hotels within the city or its vicinity. Amount requested under this category: \$ _____

How many individuals are expected to participate in the sporting related event? _____

How many of the participants at the sporting related event are expected to be from another city or county? _____

Quantify how the sporting related event will substantially increase economic activity at hotels within the city or its vicinity?

- ☐ g) Funding transportation systems for transporting tourists from hotels to and near the city to any of the following destinations: 1) the commercial center of the city; 2) a convention center in the city; 3) other hotels in or near the city; and 4) tourist attractions in or near the city. Amount requested under this category: \$ _____

What sites or attractions will tourists be taken to by this transportation? _____

Will members of the general public (non-tourists) be riding on this transportation? _____

What percentage of the ridership will be local citizens? _____

- ☐ h) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality. Amount requested under this category: \$0.00 (we have the signage already purchased from years past, and are strategically placed around the county)

What tourist attractions will be the subject of the signs? Johnson County Fair

Questions for All Funding Request Categories:

1. How many years have you held this Event or Project: 192 years/132 years organized
2. Expected Attendance: 5000
3. How many people attending the Event or Project will use _____ City of Alvarado hotels?
Approximately 10%

Number of the people many nights will they stay: Avg 2 nights

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: Yes, the Holiday Inn usually is very receptive to discounts and offers. Then the LaQuinta. We request About 20 beds, but explain the event for them to decide accordingly.

5. List other years (over the last three years) that you have hosted your Event or Project with amount of assistance given from HOT and the number of hotel rooms used:

Month/Year Held	Assistance Amount	Number of Hotel Rooms Used
<u>Aug 2022</u>	<u>\$23,652</u>	<u>198</u>
<u>Aug 2023</u>	<u>\$31,708</u>	<u>396</u>
<u></u>	<u></u>	<u></u>

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? Post survey of the area hotels

7. Please list other organization, government entities, and grants that have offered financial support to your project: City of Alvarado, pledges from businesses not yet fulfilled

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8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used? Yes we charge \$2 for parking only, no gate admission to enter; there is a price to ride rides and are posted at the carnival ticket booths. We expect a net profit, and use those monies to repair and update the facilities and grounds. (ie correcting the plumbing to the city transfer tank, updating and expanding the electric receptacles for the carnival's RV's)

9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

Newspaper: \$ _____
Radio: \$ 4000
TV: \$ _____
Other Paid Advertising: \$ 2500

Number of Press Releases to Media 4

Number Direct Mailings to out-of-town recipients 300

Other Promotions _____

10. Will you include a link to the CVB or other source on your promotional handouts and in your website for booking hotel nights during this event? Yes

11. Will you negotiate a special rate or hotel/event package to attract overnight stays?
Yes

12. What new marketing initiatives will you utilize to promote hotel and convention activity for this event?

Increased ads on social media platforms, radio stations, and

interviews

13. What geographic areas does your advertising and promotion reach:

Johnson and surrounding counties

14. How many individuals will your proposed marketing reach who are located in another city or county? 500,000

15. If the funding requested is related to a permanent facility (e.g. museum, visitor center):

Expected Attendance Monthly/Annually: _____

Percentage of those in attendance that are staying at area hotels/lodging facilities: _____%

Please Submit no later than (insert deadline) to:

Jules Rosen, Events Manager, City of Alvarado

2024 City Budget Request from JCPOSR

Ribbons	\$476.00
Brochures	\$364.00
Bands	\$4,100.00
Sound System	\$0.00
Advertising	\$6,500.00
Prize \$- & Parade Exp	\$2,000
Prize \$- & Queen Exp	\$775.00
Prize \$- & Baby Exp	\$500.00
Prize \$- & Fiddle Exp	\$2,000.00
Trophies	\$215.00
Awards-1st Responders	\$1,200.00
Port-A-Potties	\$1,670.00
Insurance Rider	\$200.00
Extra Electricity	\$2,543.00
Janitorial	\$1,200.00
Ground Attendants	\$1,500.00
Security	\$750.00
Stage Decorations	\$500.00
Waste Hauling & Dumpster	\$1,000.00
Parking Lot Mowing/Prep	\$1,300.00
Sand for Midway, if wet	\$500.00
Tractor rental/week	\$2,211.00
Mules x2	\$1,600.00
Saturday Afternoon Ent	\$1,450.00
Sales Tax on Parking	\$280.00
Misc, Unplanned expenses	\$1,000.00
TOTAL REQUESTED	\$35,834.00



City Council Meeting Management Report

Meeting Date: March 18, 2024

Contact: Hillary Cromer

AGENDA ITEM: Consideration and action to appoint members of the Alvarado Economic Development Corporation (AEDC)

BACKGROUND AND FINDINGS:

All AEDC board of director positions have expired. By statute the board must consist of 7 members. Staff has received interest from the following individuals to serve on the Board and therefore staff recommends the following appointments:

Place 1, Tom Durlington

Place 2, Martin Douglas

Place 3, Robert Brake

Place 4, Jameye Jones

Place 5, Jerry Don Pritchard

Place 6, Cherry Bryant

Place 7, Larry Pool

The EDC Bylaws dictate that board members typically serve two-year terms. However, due to the board being off schedule, those appointed will serve shorter terms, with even-numbered positions expiring on July 14, 2024, and odd-numbered positions expiring on July 14, 2025.

FINANCIAL IMPACT

N/A

MANAGEMENT REVIEW:

ATTACHMENTS:

AEDC Bylaws



Planning and Zoning Commission Meeting Management Report

Meeting Date: March 18, 2024

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action on a maintenance agreement between the City of Alvarado and the Parks of Alvarado Property Owners Association, Inc. for 1.3817 acres known as Lot 44x, Block A of the Parks of Alvarado Addition, addressed at 1501 Battery Park Drive, and for 2.613 acres known as Lot 79x, Block C of the Parks of Alvarado Addition, addressed at 1800 Fairmont Park Drive.

BACKGROUND & FINDINGS:

On July 15, 2019, City Council approved the Parks of Alvarado Planned Development (PD) District with Ordinance No. 2019-004 that states:

Section 2.04: The developer shall establish, with each plat submittal, a property owners association that will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the development plan that is being platted.

Section 2.06: the Parks of Alvarado Planned Development shall provide for a minimum of two (2) acres per 100 single-family detached residential dwellings. No more than 50% of such parkland shall be designated as Zone X according to current FEMA maps.

Section 2.07: All Open Space lots within the Property, including all improvements that have not been conveyed to the City of Alvarado, such as ponds, walkways and trails, will be maintained by a property owners association.

On February 25, 2021, the Parks of Alvarado Addition Phase 1 final plat was approved with Lot 44x, Block A being a private open space lot for residents of the Parks of Alvarado Addition and no parkland dedication to the City of Alvarado.

On August 15, 2022, the Parks of Alvarado Addition Phase 3 final plat was approved with Lot 79x, Block C being a private open space lot for residents of the Parks of Alvarado Addition and no parkland dedication to the City of Alvarado.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff suggests the Council approve the attached maintenance agreement.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENT:

Maintenance Agreement Draft

MAINTENANCE AGREEMENT

THE STATE OF TEXAS §

THE COUNTY OF JOHNSON §

This Maintenance Agreement (the “Agreement”), executed this 18th day of March, 2024, is made and entered into by and between the CITY OF ALVARADO, TEXAS, a Texas home-rule Municipality (the “City”), and the PARKS OF ALVARADO PROPERTY OWNERS ASSOCIATION, INCORPORATION, (the “POA”).

RECITALS

WHEREAS, the POA has agreed to maintain the playground equipment and the City shall maintain ownership of said equipment; and

WHEREAS, the City Council of the City, by and through this Agreement, shall maintain sufficient controls to ensure that the public purpose and best interest of the City are carried out.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and POA agree as follows:

1. Recitals. The representations, covenants, and recitations set forth in the foregoing recitals of this Agreement are true and correct and are hereby adopted as findings of the City Council and POA.

2. Exhibits. All Exhibits referenced in this Agreement, and listed below, are incorporated herein for all purposes; specifically:

Exhibit A – Depiction of Public Playground Equipment; and
Exhibit B – Legal Description of Public Playground Area.

3. Installation. Upon execution of this Agreement, City shall provide and install Public Playground Equipment (as depicted in Exhibit “A”), at no cost to the POA, onto the POA’s property (the “Public Playground Area”) (as depicted in Exhibit “B”). It is the intention of the City and of this Agreement, that said Public Playground Equipment shall continue to be available for the benefit and use of the public. In no way shall the POA limit the use to the public.

4. City’s Obligations. The City shall at all times remain the owner of the Public Playground Equipment, nothing in this Agreement shall be construed to mean a transfer or sale of said equipment. The City shall have the right to inspect the conditions of the Public Playground Equipment at any time. In the event the City deems the Public Playground Equipment needs repair, the City shall notify the POA of the need to repair and POA shall make the necessary repairs. The

City shall maintain the right to terminate this Agreement at any time. In the event of termination, the City shall remove the Public Playground Equipment from the Public Playground Area.

5. POA's Obligations. The POA shall act in good faith and shall maintain the Public Playground Equipment, including making repairs as necessary. Maintenance, in accordance with this Agreement, shall mean the general upkeep and work required to keep the Public Playground Equipment in a good, safe, and usable condition. Maintenance shall not include capital improvements or contracted services. POA agrees to pay the costs of necessary repairs. POA shall maintain the right to terminate this Agreement at any time. In the event of POA termination, POA agrees to reimburse the City for the costs to remove the Public Playground Equipment from the Public Playground Area. The POA agrees to never restrict access or use of the Public Playground Equipment to the general public.

6. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the obligation of POA and the City.

7. Amendment. This Agreement may only be amended or altered by a written instrument and signed by both parties.

8. Successors and Assigns. Neither the City nor POA may assign or transfer this Agreement or any interest in this Agreement without prior written consent of the other party. This Agreement is binding upon, and inures to the benefit of the City and POA and their permitted assigns; however, this Agreement confers no rights or benefits on any third parties.

9. Notice. Any notice required or contemplated by this Agreement shall be deemed given: (a) if mailed via U.S. Mail, Certified Mail Return Receipt Requested, on the earlier of the date actually received at the delivery address or five business days after mailed; (b) if deposited with a private delivery service (such as U.P.S. or FedEx), when delivered, as evidenced by a receipt signed by a person at the delivery address; and (c) if otherwise given (including by FAX or E-mail), when actually received at the delivery address. All notices shall be addressed as set forth below; however, any party may change its address for purposes of this Agreement by giving notice of such change as provided by this Section.

City: City of Alvarado
Attn: City Manager
104 W College Ave
Alvarado, Texas 76009

POA: Parks of Alvarado Property Owners Association, Inc.
c/o Visions Community Management, Inc.
5757 Alpha Road, Suite 680
Dallas, TX 75240

10. Applicable Law. This Agreement is made, and shall be construed in accordance with the laws of the State of Texas and venue for any dispute arising out of this Agreement shall lie in Johnson County, Texas.

11. Severability. In the event any portion or provision of this Agreement is illegal, invalid, or unenforceable under present or future law, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby; and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

12. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which shall constitute one instrument.

13. Sovereign Immunity. The parties agree that the City has not waived its sovereign immunity by entering into and performing its respective obligations under this Agreement. Notwithstanding anything to the contrary herein, the parties understand, acknowledge, and agree that the premises of the Public Playground Area are operated by the City for the purposes of chapters 75 and 101 of the Civil Practice and Remedies Code.

14. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns, as allowed herein.

15. Indemnification. POA SHALL INDEMNIFY AND HOLD THE CITY AND ITS OFFICERS, EMPLOYEES, AND VOLUNTEERS HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, LIENS, LOSSES, EXPENSES, FEES (INCLUDING REASONABLE ATTORNEYS' FEES AND COSTS OF DEFENSE), PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY, AND SUITS OF ANY KIND AND NATURE, INCLUDING PERSONAL OR BODILY INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT IS FOUND BY A COURT OF COMPETENT JURISDICTION TO HAVE RESULTED FROM (A) THE DELIVERY, INSTALLATION, ACCEPTANCE, REJECTION, OPERATION, LEASING, MAINTENANCE, POSSESSION, USE, CONDITION, LIENS AGAINST, OR RETURN OF THE PUBLIC PLAYGROUND EQUIPMENT OR (B) ANY BREACH BY POA OF ANY OF ITS OBLIGATIONS HEREUNDER, BY THE NEGLIGENT ACT, ERROR, OR OMISSION OF POA OR ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, AFFILIATE VOLUNTEER, OR SUBCONTRACTOR OF POA, OR THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, OR REPRESENTATIVES, WHILE OPERATING OR MAINTAINING THE PUBLIC PLAYGROUND EQUIPMENT. IF POA AND THE CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THIS SECTION IS SOLELY FOR THE BENEFIT OF THE CITY AND THE POA AND DOES NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR

OTHERWISE, TO ANY OTHER PERSON OR ENTITY. POA AND THE CITY SHALL PROMPTLY ADVISE EACH OTHER IN WRITING OF ANY KNOWN CLAIM OR DEMAND AGAINST POA OR THE CITY RELATED TO OR ARISING OUT OF POA'S ACTIVITIES.

16. Insurance. Prior to the installation of the Public Playground Equipment, POA shall provide to City proof of liability insurance coverage at POA's sole cost and expense, showing that it has secured and paid for a policy of comprehensive general liability insurance in the sum of One Million and 00/100 Dollars (\$1,000,000.00) per occurrence for damages resulting from personal injury or death, and One Million and 00/100 Dollars (\$1,000,000.00) per occurrence for property damage, with One Million and 00/100 Dollars (\$1,000,000.00) umbrella/excess coverage for all of the foregoing. POA shall also be responsible for contents insurance, if any, on POA's belongings. Additionally, POA shall procure and keep in effect, at POA's expense, all risk, fire, and extended coverage property insurance (including vandalism and malicious mischief) on the Public Playground Area.

POA insurance shall be underwritten by entities authorized to do business in the State of Texas. POA insurance policy or policies shall name the City as an additional insured and cover all public risks related to POA's use of the Public Playground Equipment.

CITY OF ALVARADO, TEXAS

Jacob Wheat, Mayor

Attest:

Beth A. Walls, City Secretary

By:

Don Allen
Aberdeen Land Company
500 W. 7th Street, Suite 1220
Fort Worth, TX 76102
817-703-7122
aberdeenlandtx@gmail.com

Name: Don Allen

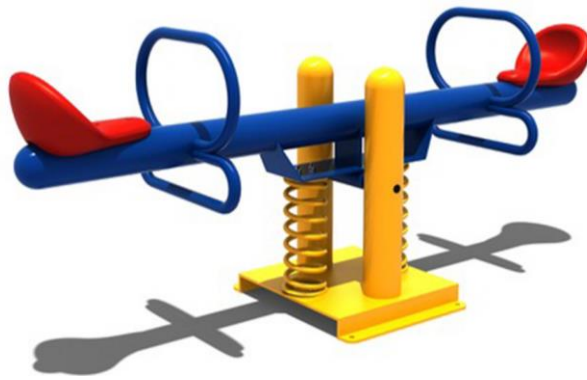
Title: Development Partner, Lackland Holdings, LLC / Declarant of Parks of Alvarado POA, Inc.

Exhibit "A"

Depictions of Public Playground Equipment at Each Location



Swings Model# SPF-80266-PGB-RED (playgroundboss.com)



Seesaw Model# SR-1404P (playgroundboss.com)



Slide Model# PGBFS-1203 (playgroundboss.com)

Exhibit "B"

Legal Description of Public Playground Area

Portion of Lot 44x, Block A of the Parks of Alvarado Addition addressed at 1501 Battery Park Drive, and portion of Lot 79x, Block C of the Parks of Alvarado Addition addressed at 1800 Fairmount Park Drive.





City Council Meeting Management Report

Meeting Date: March 18, 2024

Contact: Beth A Walls

Phone: 817-790-3351, Ext. 114

AGENDA ITEM # 8 & 9:

8. Consideration and action to approve Certification of Unopposed Candidates for the City of Alvarado May 4, 2024 General Election

9. Consideration and action to approve Ordinance No. 2024-0003, canceling the City of Alvarado, Texas May 4, 2024 General Election.

BACKGROUND & FINDINGS:

A city and any other authority that orders an election may cancel the election only if there is specific statutory authority to cancel the election. (Texas Election code 2.082)

The city secretary must deliver to the governing body a certificate of unopposed candidate as soon as possible after the write-in filing deadline for each candidate for office. The governing body upon receipt may by order or ordinance declare the candidates unopposed and elected.

Only one candidate applied to run in the City of Alvarado May 4, 2024 General Election for Single District Ward 1, Place 1 and At-Large election for Mayor. By approving Ordinance 2024-0003, you are declaring the election of Carrie Keeton for Ward 1, Place 1 and Jacob Wheat for Mayor.

The general election for Ward 2, place 2 has two candidates, one has applied for a place on the ballot and the other has applied as a write-in candidate. That election will be held on May 4, 2024.

Even though declared elected, they are not sworn in until the May meeting after the May 4, 2024 general election date has passed.

For purposes of canceling an election, a special election is a separate election from the general election.

FINANCIAL IMPACT:

No financial impact.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager



CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE CITY OF ALVARADO
CERTIFICACION DE CANDIDATOS UNICOS CIUDAD OF ALVARADO

TO: Presiding Office of Governing Body:
AL: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024.

Como autoridad a cargo de la preparacion de la bolete de votacion oficial, por la presente certifico que siguientes candidatos son candidatos unicos para eleccion para un cargo en la eleccion que se llevara a cabo el 4 de Mayo, 2024.

List Offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s)	Candidate(s) <i>Candidato(s)</i>
At-Large Mayor	Jacob Wheat
Councilperson Ward I Place I	Carrie Keeton

Beth A Walls

Beth A Walls
City Secretary

03/18/2024

|

ORDINANCE NO. 2024-0003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, ACCEPTING CERTIFICATION OF UNOPPOSED CANDIDATES FOR THE OFFICES OF COUNCILPERSON WARD ONE (1) AND MAYOR; DECLARING THAT THE MAY 4, 2024, GENERAL ELECTION IS CANCELED FOR THESE TWO SEATS AND THE UNOPPOSED CANDIDATES ELECTED TO OFFICE; PROVIDING FOR POSTING OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City adopted Resolution 2024-0005 on Monday, March 18, 2024, ordering a General Election to be held on May 4, 2024, at which time registered voters would elect persons to fill the offices of Councilperson Ward One (1) and Mayor; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City’s General Election has expired; and

WHEREAS, Section 2.053, Texas Election Code, authorizes the governing body of a political subdivision, by order or ordinance, to declare each unopposed candidate elected to office and to cancel the election; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code, has certified in writing to the City Council that Carrie Keeton is unopposed for election to the office of Councilperson Ward One (1) and Jacob Wheat is unopposed for election to the office of Mayor; and

WHEREAS, under these circumstances, Chapter 2, Subchapter C, of the Texas Election Code, authorizes the City Council to declare those candidates who filed elected to office and compels the City Council to cancel the previously ordered general election; and

WHEREAS, the City Council hereby finds and determines that these two candidates whose names were to appear on the ballot in said election are unopposed, that there are no declared write-in candidates, and no propositions are to appear on the ballot for said election.

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

SECTION 1.

Pursuant to Section 2.053(b), Texas Election Code, the General Election for Councilperson Ward One (1) and Mayor called and ordered to be held May 4, 2024, by Resolution 2024-0005, is hereby canceled.

SECTION 2.

In accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices shown and shall be issued a certificate of election on May 4, 2024, the date which the General Election for Councilperson Ward One (1) and Mayor would have been held:

Councilperson Ward One (1) – Carrie Keeton
Mayor – Jacob Wheat

SECTION 3.

The candidates-elect so named in Section 2 of this Ordinance shall be administered the Oath of Office at Alvarado City Hall and may exercise the duties of office at the beginning of the first regular meeting of the City Council after May 4, 2024, the date which the General Election for Councilperson Ward One (1) and Mayor would have been held.

SECTION 4.

The City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 4, 2024, at all polling places that would have been used in such election.

SECTION 5.

The remainder of Resolution 2024-0005 shall remain unchanged and in full force and effect.

SECTION 6.

The facts and matters set forth in the preamble of this Ordinance and Order of Cancellation are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 7.

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, phrase, 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 8.

This Ordinance shall take effect immediately upon passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, ON THIS THE 18th DAY OF MARCH, 2024.

Jacob Wheat, Mayor

ATTEST:

Beth A Walls, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney