

**SPECIAL MEETING OF THE
CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
FEBRUARY 3, 2025
6:30 PM
AGENDA**

The City Council of the City of Alvarado will meet in a Special Called Session on Monday, February 3, 2025, 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 City Council 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 City Council to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting. Citizens may obtain a form to speak by requesting it from the City Secretary or the City Marshal prior to the start of the meeting.

COUNCIL COMMENTS:

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

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

CONSENT AGENDA:

1. Consideration and action to approve Resolution No. R2025-0004 regarding accepting a grant for body armor. (May)

NEW BUSINESS:

2. Consideration and action to approve Resolution No. R2025-0005, consenting to the assignment of the Agave Trail Development Agreement to Brightland Homes, Ltd. (DeBuff)
3. Consideration and action to award the bid for Davis Avenue wastewater gravity line

SPECIAL City Council Meeting Agenda

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construction and authorize the City Manager to negotiate and execute a contract. (Dwiggins)

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:

- Any item listed on the agenda.
- BNSF Railway Company Agreement

RECONVENE REGULAR SESSION:

4. Consideration and action to authorize the City Manager to negotiate and enter into an agreement with BNSF Railway Company based on terms discussed in Executive Session. (Dwiggins)

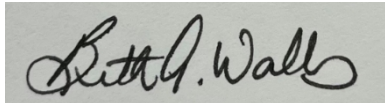
ACCESSIBILITY STATEMENT

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 January 31, 2025, at 6:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



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



City Council Meeting Management Report

Meeting Date: February 3, 2025

Contact: Chief May

AGENDA ITEM:

Consideration and action to approve Resolution No. R2025-0004 regarding accepting a grant for body armor.

BACKGROUND AND FINDINGS:

The Rifle-Resistant Body Armor Grant Program seeks to provide rifle resistant body armor for all regular full-time sworn police officers of the Alvarado Police Department.

FINANCIAL IMPACT

Grant in the amount of \$61,052.40

This is fully funded grant.

MANAGEMENT REVIEW:

Management recommends approval of the grant.

ATTACHMENTS:

Resolution No. R2025-0004

CEO Form

RESOLUTION NO. 2025-0004

A RESOLUTION BY THE CITY OF ALVARADO, DESIGNATING THE CHIEF OF POLICE AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE OFFICE OF THE GOVERNOR, FOR THE PURPOSE OF SUBMITTING AN APPLICATION FOR THE RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM, CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; AND CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE.

WHEREAS, The City of Alvarado finds it in the best interest of the citizens of Alvarado, Texas, that the rifle-resistant body armor Grant Program be operated for the 2025 fiscal year; and

WHEREAS, City of Alvarado agrees to provide applicable matching funds for the said project as required by the rifle-resistant body armor grant application; and

WHEREAS, City of Alvarado agrees that in the event of loss or misuse of the Office of the Governor funds, City of Alvarado assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Alvarado designates Teddy May, Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED, that the City of Alvarado approves submission of the grant application for the rifle-resistant body armor grant to the Office of the Governor.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Alvarado on this 3rd day of February, 2025.

CITY OF ALVARADO:

By: _____

Jacob Wheat, Mayor

Grant Number: 5333601



Office of the Governor

Public Safety Office –CEO/Law Enforcement Certifications and Assurances Form

Entity Name: <u>CITY OF ALVARADO</u>	Date: <u>13 JANUARY 2025</u>
Agency/Department Name: <u>CITY OF ALVARADO POLICE DEPARTMENT</u>	
Name of Chief Executive Officer: <u>PAUL DEBUFF, CITY MANAGER</u>	
Name of Head of Law Enforcement Agency: <u>TEDDY MAY, CHIEF OF POLICE</u>	

Certification Required by CEO and Head of Law Enforcement Agency

In our respective capacities as chief executive officer of CITY OF ALVARADO ("Grantee") and as head of CITY OF ALVARADO POLICE DEPARTMENT ("Agency"), we hereby each certify that Grantee and Agency participate fully, and will continue to participate fully from the date of this certification until the later of August 31, 2026 or the end of the grant project period, in all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS.

We further certify that Grantee and Agency do not have, and will continue not to have until the later of August 31, 2026 or the end of the grant project period, any policy, procedure, or agreement (written or unwritten) that in any way limits or impedes Agency's receipt or DHS's issuance of detainer requests, or in any way limits or restricts Grantee's and Agency's full participation in all aspects of the programs and procedures utilized by DHS to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS.

Additionally, we certify that neither Grantee nor Agency have in effect, purport to have in effect, or are subject to or bound by any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3).

Lastly, we certify that Grantee and Agency will comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

We acknowledge that failure to comply with this certification may result in OOG, in its sole discretion, terminating any grant made by OOG to Grantee, and that Grantee must return all funds received from OOG for any grant terminated under this certification. We further acknowledge that Grantee will remain ineligible for OOG funding until it provides satisfactory evidence that the jurisdiction has complied with this certification for at least one year.

Signature
Chief Executive Officer for Grantee

Signature
Head of Agency



City Council Meeting Management Report

Meeting Date: February 3, 2025

Contact: Paul DeBuff

AGENDA ITEM:

Consideration and action to approve Resolution No. R2025-0005, consenting to the assignment of the Agave Trail Development Agreement to Brightland Homes, Ltd.

BACKGROUND & FINDINGS:

Section 9.1 of the Development Agreement (DA) between the City of Alvarado and Agave Trail Development, LLC outlines the method of assigning the obligations of the development agreement to another developer in the event that Agave Trail Development, LLC opts to sell their interest to another party.

The DA originally contemplated Agave Trail selling the interest in the development to DRHI, Inc (DR Horton). Because the buyer has now changed to Brightland Homes, the developer is asking to invoke Section 9.1(a) of the DA. Section 9.1 reads:

9.1 Assignment.

(a) This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The obligations, requirements, or covenants to develop the Property subject to this Agreement shall be freely assignable, in whole or in part, to any affiliate or related entity of Developer, any lien holder on the Property, or to DRHI, Inc., a Delaware corporation ("DR Horton") as set forth in Section 9.1(b) below, without the prior written consent of the City.

*Except as otherwise provided in this paragraph, **the obligations, requirements or covenants to the development of the Property shall not be assigned, in whole or in part, by Developer to a non-affiliate or non-related entity of Developer without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed if the assignee demonstrates financial ability to perform.** An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Developer and the assignee and shall obligate the assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment unless the City approves the release in writing. Developer shall maintain written records of all assignments made by Developer to assignees, including a copy of each executed assignment and, upon written request from any Party or assignee, shall provide a copy of such records to the requesting person or entity, and this obligation shall survive the assigning Party's sale, assignment, transfer, or other conveyance of any interest in this Agreement or the Property.*

(b) The Developer intends to sell the Property or portions thereof to DR Horton. Notwithstanding anything to the contrary in this Agreement, the City agrees that DR Horton and its affiliates shall be considered authorized assignees, and upon the sale of any portion of the

Property to DR Horton or its affiliates, this Agreement may be assigned, in whole or in part, to DR Horton or its affiliates without the prior written consent of, but with notice to, the City.

This section requires the buyer to demonstrate financial ability to perform; please see attached letter from Brightland Homes' Chief Financial Officer.

FINANCIAL IMPACT

There is no financial impact on the City from this assignment.

RECOMMENDATION:

Staff recommends approval of this assignment, per Section 9.1(a) of the development agreement.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Resolution No. R2025-0005

RESOLUTION NO. R2025-0005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS, CONSENTING TO THE ASSIGNMENT OF AGAVE TRAIL DEVELOPMENT AGREEMENT.

WHEREAS, the City of Alvarado (the “City”) and Agave Trail Development, LLC (the “Original Developer”) entered into the Agave Trail Development Agreement (the “Agreement”) on August 15, 2022, a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, pursuant to Section 9.1 of the Agreement, the Agreement may only be assigned by the Original Developer to a non-affiliate or non-related entity of the Original Developer with the prior written consent of the City, which consent shall not be unreasonably withheld or delayed if the assignee demonstrates financial ability to perform; and

WHEREAS, the City wishes to evidence its consent to the assignment of the Agreement in full from the Original Developer to Brightland Homes, Ltd. and/or its affiliates (collectively, “Brightland”).

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

SECTION 1

That the City Council of the City hereby grants its consent to and permission for the assignment of the Agreement from the Original Developer to Brightland, and the Mayor and City Secretary are hereby authorized to execute any documents necessary to effectuate this Resolution.

SECTION 2

That Brightland has delivered to the City a letter demonstrating its financial ability to perform all obligations of the Original Developer pursuant to Section 9.1 of the Agreement, a copy of which is attached hereto as Exhibit “B”.

SECTION 3

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 4

That this resolution take effect immediately from and after its passage.

[Signature page follows]

DULY RESOLVED by the City Council of the City of Alvarado, Texas, on the 3rd day of February, 2025.

CITY OF ALVARADO:

By: _____
Jacob Wheat, Mayor

ATTEST:

Beth A Walls, City Secretary/HRD

EXHIBIT “A”
AGAVE TRAIL DEVELOPMENT AGREEMENT

[See Attached]

**EXHIBIT “B”
BRIGHTLAND LETTER**

[See Attached]



January 27, 2025

City of Alvarado, Texas
Attn: Paul DeBuff, CGFO – Alvarado City Manager
104 W. College Street
Alvarado, TX 7600

RE: Consent to the assignment of Agave Trail Development Agreement between the City of Alvarado, Texas and Agave Trail Development, LLC to Brightland Homes, Ltd.

To Whom it May Concern:

This letter is to address the ability for Brightland Homes to fulfil its obligations under the Agave Trail Development Agreement and related cost sharing agreement.

Brightland Homes utilizes two revolving lines of credit (i) a \$305 million unsecured syndicated revolving credit facility led by Wells Fargo Bank, N.A. and (ii) a \$280 million unsecured revolving credit facility provided by our parent Sumitomo Forestry America, Inc. to manage its operational capital needs. The current borrowing availability from these credit facilities, in addition to cash generated from Brightland's daily operations, far exceed the full value of the development agreement (\$20.5M as shown on Exhibit G of the development agreement) and cost sharing agreement. In addition, at Closing, Brightland Homes will credit Agave Trail Development, LLC for any funds that have already been placed in escrow related to the cost sharing agreement.

Brightland Homes is fully prepared, capable and agrees to be bound to fulfill its obligations under the development agreement and the related cost sharing agreement. I am available to discuss further if needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Onderdonk", with a stylized flourish at the end.

Scott Onderdonk
Chief Financial Officer
Brightland Homes, Ltd.



City Council Meeting Management Report

Meeting Date: February 3, 2025

Contact: Michael Dwiggins

AGENDA ITEM:

Consideration and action to award the bid for Davis Avenue wastewater gravity line construction and authorize the City Manager to negotiate and execute a contract.

BACKGROUND & FINDINGS:

After re-bidding the Davis Street sanitary sewer line project, which enables the abandonment of the current Davis lift station—resulting in significant maintenance cost savings—staff and the city engineer reviewed and scored all seven bidders based on both price and experience. Based on these evaluations, the staff and engineer recommend awarding the bid to Day Services.

FINANCIAL IMPACT

The cost of this job is a base bid of \$3,458,878.00 for the construction of the project, which will be paid for by the developers.

RECOMMENDATION:

Staff recommends awarding this bid to Day Services and allowing City Manager to sign the contract with Day Services.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager