



Regular Session
Council Agenda Packet
April 16, 2020

**TELECONFERENCE
MEETING**

**CITY OF CROWLEY
CITY COUNCIL
Council Regular Session
April 16, 2020
ATTENDANCE SHEET**

Worksession Regular

Council Member Johnny Shotwell, Place 1

Mayor Pro Tem Jerry Beck, Place 2

Council Member Jesse Johnson, Place 3

Council Member Carl Weber III, Place 4

Council Member Tina Pace, Place 5

Council Member Christine Gilbreath, Place 6

Mayor Billy Davis

Staff:

Robert Loftin, City Manager

Lori Watson, Finance Director/Asst City Mgr

Jack Thompson, EDC Director/Asst City Mgr

Rob Allibon, City Attorney

Carol Konhauser, City Secretary

Pleasant Brooks, Fire Chief

Kit Long, Chief of Police

Mike Rocamontes, Public Works Director

Rachel Roberts, Planning & Comm Dev Director

Cristina Winner, Community Services Director

Lisa Hansen, HR Administrator

Julie Hepler, Special Event Coordinator .

Jay Hinton, Media Relations



**AGENDA
CROWLEY CITY COUNCIL
APRIL 16, 2020
WORK SESSION - 6:30 p.m.**

**Crowley City Hall
201 E. Main Street
Crowley TX 76028**

MEETING WILL BE BY TELECONFERENCE

In compliance with the Texas Open Meetings Act and under the provisions provided by the Governor of Texas in conjunction with the Declaration of Disaster enacted on March 13, 2020, members may be participating remotely.

Notice is hereby given of a meeting of the Crowley City Council to be held on Thursday, April 16, 2020 (work session to begin at 6:30 p.m. and regular meeting at 7:00 p.m) by teleconference, which can be joined by any member of the public remotely by calling 1-866-899-4679 and entering access code 193-085-181 or by joining online from a computer, tablet or smartphone at <https://global.gotomeeting.com/join/193085181> for the purpose of considering the following:

WORK SESSION - April 16, 2020 - 6:30 pm

I. CALL TO ORDER AND ROLL CALL

II. NON-ACTION ITEMS FOR DISCUSSION

1. None.

DISCUSSION OF ITEMS LISTED ON THE AGENDA

III. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Discuss and consider approving the minutes from the regular meeting held March 19, 2020.

IV. PUBLIC HEARINGS

1. None.

V. CITY BUSINESS

1. Discuss and consider adoption of Ordinance 04-2020-394 an ordinance of the City Council of the City of Crowley, Texas, postponing the Special Election to be held on May 02, 2020 to July 14, 2020, as an emergency election, pursuant to Section 41.0011(b) of the Election Code; to submit to the qualified voters of Crowley, Texas, a proposition to determine whether the citizens desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for an early voting ballot board; providing for the posting and publication of notice; and providing an effective date and authorize the Mayor to execute the Notice of Election.
2. Discuss and consider adoption of Ordinance 04-2020-393 an ordinance of the City Council of the City of Crowley, Texas, postponing the General Election to be held on May 02, 2020 to November 3, 2020 pursuant to the Proclamation issued by Governor Gregory Abbott; making finds related thereto; appointing and election administrator; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for the posting and publication of notice; and providing an effective date.
3. Discuss and consider a Developer's Agreement for Well's Addition at 1651 S. Hampton Rd.

VI. ADJOURNMENT

An agenda information packet is available for public inspection in the Crowley Library and on the City website, under Agenda Packets



**AGENDA
CROWLEY CITY COUNCIL
APRIL 16, 2020
REGULAR SESSION - 7:00 p.m.**

**Crowley City Hall
201 E. Main Street
Crowley TX 76028**

MEETING WILL BE BY TELECONFERENCE

In compliance with the Texas Open Meetings Act and under the provisions provided by the Governor of Texas in conjunction with the Declaration of Disaster enacted on March 13, 2020, members may be participating remotely.

Notice is hereby given of a meeting of the Crowley City Council to be held on Thursday, April 16, 2020 (work session to begin at 6:30 p.m. and regular meeting at 7:00 p.m.) by teleconference, which can be joined by any member of the public remotely by calling 1-866-899-4679 and entering access code 193-085-181 or by joining online from a computer, tablet or smartphone at <https://global.gotomeeting.com/join/193085181> for the purpose of considering the following:

REGULAR SESSION - April 16, 2020 - 7:00 pm

I. CALL TO ORDER AND ROLL CALL

II. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Discuss and consider approving the minutes from the regular meeting held March 19, 2020.

III. PUBLIC HEARINGS

1. None.

IV. CITY BUSINESS

1. Discuss and consider adoption of Ordinance 04-2020-394 an ordinance of the City Council of the City of Crowley, Texas, postponing the Special Election to be held on May 02, 2020 to July 14, 2020, as an emergency election, pursuant to Section 41.0011(b) of the Election Code; to submit to the qualified voters of Crowley, Texas, a proposition to determine whether the citizens desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for an early voting ballot board; providing for the posting and publication of notice; and providing an effective date and authorize the Mayor to execute the Notice of Election.
2. Discuss and consider adoption of Ordinance 04-2020-393 an ordinance of the City Council of the City of Crowley, Texas, postponing the General Election to be held on May 02, 2020 to November 3, 2020 pursuant to the Proclamation issued by Governor Gregory Abbott; making finds related thereto; appointing and election administrator; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for the posting and publication of notice; and providing an effective date.
3. Discuss and consider a Developer's Agreement for Well's Addition at 1651 S. Hampton Rd.

An agenda information packet is available for public inspection in the Crowley Library and on the City website, under Agenda Packets

V. EXECUTIVE SESSION

Pursuant to Chapter 551, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item to receive advice from its attorney as permitted by law, or to discuss the following as permitted by Government Code:

- 1. Section 551.071 (Consultation with Attorney)**
- 2. Section 551.072 (Deliberations about Real Property)**
- 3. Section 551.074 (Personnel Matters)**
- 4. Section 551.087 (Business Prospect/Economic Development)**

VI. RECONVENE AND TAKE ACTION FROM EXECUTIVE SESSION

Reconvene into open session and take any necessary action resulting from items posted and legally discussed in Closed Session.

VII. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Agenda of the City Council Meeting to be held on Thursday, April 16, 2020, of the governing body of the City of Crowley is a true and correct copy posted on _____, 2020 at _____ am/ pm to the City Website and at Crowley City Hall, a place convenient and readily accessible to the public at all times.

City of Crowley

Carol C. Konhauser, City Secretary

THE CITY COUNCIL RESERVES THE RIGHT OF THE FOLLOWING:

1. ITEMS DO NOT HAVE TO BE CONSIDERED IN THE SAME ORDER AS SHOWN ON THIS AGENDA;
 2. THE COUNCIL MAY CONTINUE OR RECESS ITS DELIBERATIONS TO THE NEXT CALENDAR DAY IF IT DEEMS IT NECESSARY.
- The Crowley City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to this meeting. Please contact the City Secretary’s Office at (817) 297-2201 ext. 4000, or email ckonhauser@ci.crowley.tx.us for further information.

NOTICE: A quorum of the Crime Control and Prevention District Board of Directors and the Economic Development Board of Directors will be present at this meeting; however, neither Board will take action on any items on this posted agenda.



Crowley City Council

AGENDA REPORT

Meeting Date: April 16, 2020

Agenda Item: II-1

Staff Contact: Carol C. Konhauser
City Secretary

E-mail: ckonhauser@ci.crowley.tx.us

Phone: 817-297-2201-X 4000

SUBJECT: Discuss and consider approving the minutes from the regular meeting held March 19, 2020.

BACKGROUND/DISCUSSION

Consider approval of minutes as presented.

FINANCIAL IMPACT

None

RECOMMENDATION

Staff recommends approval of the minutes as presented; council consideration is respectfully requested.

ATTACHMENTS

- Minutes

MINUTES OF THE CITY COUNCIL WORK SESSION HELD March 19, 2020. The City Council of the City of Crowley, Texas met in Work Session on Thursday, March 19, 2020, at 6:30 pm in the City Council Chambers, 201 East Main Street, Crowley City Hall, Crowley, Texas.

Present were Council Member Johnny Shotwell, City Council Place 1
 Mayor Pro-Tem Jerry Beck, City Council Place 2 (arrived at 6:44 pm)
 Council Member Jesse Johnson, City Council Place 3
 Council Member Carl T. Weber III, City Council Place 4
 Council Member Tina Pace, City Council Place 5
 Council Member Christine Gilbreath, City Council Place 6
 Mayor Billy P. Davis

City staff included: City Manager, Robert Loftin
 Asst City Mngr/Finance Director, Lori Watson
 Asst City Mngr/EDC Director, Jack Thompson
 City Attorney, Rob Allibon
 City Secretary, Carol Konhauser
 Fire Chief, Pleasant Brooks
 Lieutenant, Michael Roach
 Community Services Director, Cristina Winner
 Media Relations Coordinator, Jay Hinton
 Special Events Coordinator, Julie Hepler

Absent: None

CALL TO ORDER/ ROLL CALL

Mayor Billy Davis called the Work Session to order at 6:32 p.m. City Secretary Carol Konhauser called roll and noted a quorum was present.

DISCUSSION OF NON-ACTION ITEMS

1. Discuss a proposed fee schedule for Crouch Event Center at Bicentennial Park.

Community Service Director Cristina Winner discussed the research conducted on the proposed fee schedule for the New Event Center. She presented to council a spreadsheet of charges assessed by other cities for similar facilities. Staff's recommendation were:

Venue	Deposit	Resident Rate	Nonresident Rate	Additional Fees	Amenities
Whole Center	\$150	\$135/hr with a 3 hr minimum	\$185/hr with a 3 hr minimum	\$50 facility attendant, fees assoc. w/alcohol	2 rooms, kitchen, restrooms, patios, fireplace, tables & chairs
Large Room	\$150	\$85/hr with a 3 hr minimum	\$135/hr with a 3 hr minimum	\$50 facility attendant, fees assoc. w/alcohol	Restrooms, tables & chairs, patio, fireplace
Small Room	\$150	\$50/hr with NO minimum hrs	\$100/hr with NO minimum hrs	\$50 facility attendant, fees assoc. w/alcohol	Restrooms, tables & chairs
Kitchen		\$20	\$20		Refrigerator, catering/serving kitchen

Mrs Winner explained that because the Event Center is located at Bicentennial Park, staff was also recommending an additional \$50 attendant fee to allow for staffing of a Recreation Center employee at the location to oversee the facility. Finance Director Lori Watson asked why we didn't increase the hourly rate for the facility instead of charging a facility attendant fee? Mayor Davis gave the example that if the center was rented for 8 hours, then the \$50 isn't going to cover the cost for paying staff the entire shift.

Council suggested utilizing this fee schedule and asked that staff monitor the costs associated with the facility along with citizen's inputs regarding the fees.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. **Discuss and consider approving the minutes from the regular meeting held on Mar 5, 2020.**

No discussion.

PUBLIC HEARING

1. **None.**

CITY BUSINESS

1. **Consideration and approval of Ordinance 03-2020-392, authorizing the issuance of "City of Crowley, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2020"; Providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; Providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; Authorizing the execution of a paying agent/registrars agreement and an official bid form; complying with the requirements of the letter of representation previously executed with the depository trust company; Authorizing the execution of any necessary engagement agreements with the City's financial advisors and/or bond counsel; and providing and effective date.**

Mr Mark McLiney from SAMCO Capital presented the bid results for the Combination Tax and Limited Pledge Revenue Certificates of Obligation Series 2020. The City received three (3) bids, which Mr McLiney stated was very good right now considering the uncertainty of the economy due to the concerns of the COVID-19 virus. The lowest bid received was for 3.15% from Stifel, Nicolaus & Co. He stated the City had an excellent reputation and its bond rating was strong, which is very important in times like this.

2. **Consideration and approval of Resolution R03-2020-331 approving a financing and use agreement with the City of Crowley Economic Development Corporation for the payment of debt services on the City's combination tax and limited pledge revenue certificates of obligation, series 2020; and other matters incident and related thereto.**

No discussion.

3. **Discuss and consider approval of the EDC Budget Amendment #1.**

No discussion.

4. **Discuss and consider canceling public gatherings and closing city facilities due to the concern over the spread of COVID-19.**

Council Member Tina Pace asked if there was a plan in place to mitigate cross contamination when citizens come in to pay bills or visit city facilities for official business. City Manager Robert Loftin explained that there was a lot of discussion regarding closing certain city facilities, customer appointments, alternate work schedules, etc. that were being considered. At this time, the situation is rapidly changing and therefore no final decisions have been made at this time. He did state the City is waiving fees for online payments.

5. **Discuss and consider declaring a Local State of Disaster and Public Health Emergency within the City of Crowley due to the concern over the spread of COVID-19.**

No discussion

- 6. Discuss and consider cancelling the Regular scheduled City Council meeting scheduled for April 2, 2020 and all City of Crowley Board and Commission meetings thru April 15, 2020 due to the concern over the spread of COVID-19.**

City Manager Loftin explained that staff is looking into options for holding a remote meeting either by teleconference or video conference. Due to the possibility of not having the ability to conduct a remote meeting before April 2, 2020, he was recommending canceling the meeting. Council could call a Special meeting if needed, but they cannot call a special meeting to cancel a meeting.

ADJOURNMENT

As there was no further business to discuss, the work session was adjourned at 6:58 pm.

MINUTES OF THE CITY COUNCIL REGULAR SESSION HELD March 19, 2020. The City Council of the City of Crowley, Texas met in Regular Session on Thursday, March 19, 2020, at 7:00 pm in the City Council Chambers, 201 East Main Street, Crowley City Hall, Crowley, Texas.

Present were Council Member Johnny Shotwell, City Council Place 1
Mayor Pro-Tem Jerry Beck, City Council Place 2
Council Member Jesse Johnson, City Council Place 3
Council Member Carl T. Weber III, City Council Place 4
Council Member Tina Pace, City Council Place 5
Council Member Christine Gilbreath, City Council Place 6
Mayor Billy P. Davis

City staff included: City Manager, Robert Loftin
Asst City Mngr/Finance Director, Lori Watson
Asst City Mngr/EDC Director, Jack Thompson
City Attorney, Rob Allibon
City Secretary, Carol Konhauser
Fire Chief, Pleasant Brooks
Lieutenant, Michael Roach
Community Services Director, Cristina Winner
Media Relations Coordinator, Jay Hinton
Special Events Coordinator, Julie Hepler

Absent: None

CALL TO ORDER/ ROLL CALL

Mayor Billy Davis called the Regular Session to order at 7:04 p.m. City Secretary Carol Konhauser called roll and noted a quorum was present.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Council Member Jesse Johnson followed by the Pledge of Allegiance to the American and Texas Flags.

PRESENTATIONS/PROCLAMATIONS

1. **None.**

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. **Discuss and consider approving the minutes from the regular meeting held on Mar 5, 2020.**

Council Member Jesse Johnson made the motion to approve the Consent Agenda item(s), second by Council Member Jerry Beck; council voted unanimously to approve the motion as presented. Motion carried 7-0.

PUBLIC HEARING

1. **None.**

CITY BUSINESS

1. **Consideration and approval of Ordinance 03-2020-392, authorizing the issuance of "City of Crowley, Texas, Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2020"; Providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; Providing the terms and conditions of said**

certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; Authorizing the execution of a paying agent/registrars agreement and an official bid form; complying with the requirements of the letter of representation previously executed with the depository trust company; Authorizing the execution of any necessary engagement agreements with the City's financial advisors and/or bond counsel; and providing and effective date.

Council Member Christine Gilbreath made the motion to approve Ordinance 03-2020-392, second by Council Member Tina Pace; council voted unanimously to approve the motion as presented. Motion carried 7-0.

- 2. Consideration and approval of Resolution R03-2020-331 approving a financing and use agreement with the City of Crowley Economic Development Corporation for the payment of debt services on the City's combination tax and limited pledge revenue certificates of obligation, series 2020; and other matters incident and related thereto.**

Council Member Jesse Johnson made the motion to approve Resolution R03-2020-331 approving a financing and use agreement with the City of Crowley Economic Development Corporation for the payment of debt services; second by Council Member Christine Gilbreath; council voted unanimously to approve the motion as presented. Motion carried 7-0.

- 3. Discuss and consider approval of the EDC Budget Amendment #1.**

Council Member Christine Gilbreath made the motion to approve the EDC Budget Amendment #1; second by Council Member Jerry Beck; council voted unanimously to approve the motion as presented. Motion carried 7-0.

- 4. Discuss and consider canceling public gatherings and closing city facilities due to the concern over the spread of COVID-19.**

Mayor Billy Davis removed Item 4 from the Agenda.

- 5. Discuss and consider declaring a Local State of Disaster and Public Health Emergency within the City of Crowley due to the concern over the spread of COVID-19.**

Mayor Davis explained that he had already signed a Local State of Disaster and Public Health Emergency declaration, but it must now go before council in order to extend it beyond its initial 7 days. He further explained the County and the Governor had issued declarations, and that this declaration was in line with what was issued by them.

City Manager Loftin added that, after some research, it appeared the local disaster declaration may be needed to apply for government emergency reimbursement. He also explained that there has been a lot of information they've received in their daily meetings, but the ultimate goal is to slow the spread of the virus so that hospitals won't be overwhelmed beyond capacity.

Council Member Carl Weber made the motion that the declaration of Local Disaster decreed by Mayor Davis on March 19, 2020, relating to the spread of COVID-19, by continued until further notice; second by Council Member Jerry Beck; council voted unanimously to approve the motion as presented. Motion carried 7-0.

- 6. Discuss and consider cancelling the Regular scheduled City Council meeting scheduled for April 2, 2020 and all City of Crowley Board and Commission meetings thru April 15, 2020 due to the concern over the spread of COVID-19.**

Council Member Jerry Beck made the motion to cancel the April 2, 2020 City Council meeting and all Board and Commission meetings through April 15, 2020; second by Council Member Tina Pace; council voted unanimously to approve the motion as presented. Motion carried 7-0.

ADVISORY BOARDS AND COMMISSIONS

Reports/appointments or reappointments.

1. Reports:
None
2. Appointments/Reappointments:
None

PUBLIC COMMENT

Mayor Davis asked if there were any citizens or visitors wishing to speak.

Terri Horn, 301 Main St, Crowley Chamber of Commerce, stepped up and discussed the cancellation of upcoming events due to the Emergency Declarations.

ITEMS OF COMMUNITY INTEREST

Mayor Davis then asked if there were any community interest items.

Council Member Jerry Beck said a few words about Sandy Mansfield who served as the Animal Control Officer for the City of Crowley for many years and wanted everyone to keep her family in their thoughts and prayers during this difficult time.

As there was no further business, Mayor Davis adjourned the meeting at 7:37 p.m.

ATTEST:

Billy Davis, Mayor

Carol C. Konhauser, City Secretary



Crowley City Council

AGENDA REPORT

Meeting Date:	April 16, 2020	Staff Contact:	Carol Konhauser City Secretary
Agenda Item:	IV-1	E-mail:	ckonhauser@ci.crowley.tx.us
		Phone:	817-297-2201-X4000

SUBJECT: Discuss and consider adoption of Ordinance 04-2020-394 an ordinance of the City Council of the City of Crowley, Texas, postponing the Special Election to be held on May 02, 2020 to July 14, 2020, as an emergency election, pursuant to Section 41.0011(b) of the Election Code; to submit to the qualified voters of Crowley, Texas, a proposition to determine whether the citizens desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for an early voting ballot board; providing for the posting and publication of notice; and providing an effective date and authorize the Mayor to execute the Notice of Election.

BACKGROUND/DISCUSSION

City Council approved Ordinance No 02-2020-386 calling for and ordering a Special Election to held May 2, 2020 to determine whether the citizens of Crowley, Texas, desire to continue the Crime Control and Prevention District and to Continue a Crime Control and Prevention District Sales Tax.

Due to the current situation surrounding the COVID-19 epidemic, the Governor issued an executive order authorizing local governmental agencies to move their May 2, 2020 election date to Nov 3, 2020. Unfortunately, the CCPD will expire on Sep 30, 2020, prior to the Nov 3, 2020 election. Therefore, in accordance with Section 41.0011 of the Texas Election Code, the City submitted a request to the Governor asking to hold an Emergency Special Election on July 14, 2020 for the CCPD referendum. The Governor approved the City's request on April 6, 2020.

The CCPD is scheduled to discuss and consider approving and Order postponing the referendum at their meeting on April 16, 2020 at 6:15 p.m. If approved, City Council must adopt a new Ordinance ordering the Emergency Special Election.

NOTE: This election will overlap with the Celebration of Freedom, although there will not be voting on July 11, 2020 (the day of COF). The Special Election will run simultaneously with Tarrant County's Primary Run-off. Tarrant County will be utilizing the Recreation Center for the run-off. Staff recommends moving the polling place for the City's Special Election to the Recreation Center. Moving the location would reduce confusion and frustration for our citizens and possibly increase voter participation

FINANCIAL IMPACT

The ballots and data cards were already ordered for the May 2, 2020 election (est cost approximately \$2,500). This Emergency Special Election will be ONLY for the CCPD proposition. We will then have to hold the General Election for places 5 and 6 on November 3, 2020. Estimated cost of this Emergency Special Election is \$8,500.

RECOMMENDATION

Staff recommends adoption of Ordinance 04-2020-394 and authorizing the Mayor to execute the Notice of Election.

ATTACHMENTS

- Ordinance 04-2020-394
- Special Election Order
- Notice of Election

ORDINANCE NO. 04-2020-394

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CROWLEY, TEXAS, POSTPONING THE SPECIAL ELECTION TO BE HELD ON MAY 2, 2020 TO JULY 14, 2020, AS AN EMERGENCY ELECTION, PURSUANT TO SECTION 41.0011(b) OF THE ELECTION CODE; TO SUBMIT TO THE QUALIFIED VOTERS OF CROWLEY, TEXAS, A PROPOSITION TO DETERMINE WHETHER THE CITIZENS DESIRE TO CONTINUE THE CRIME CONTROL AND PREVENTION DISTRICT AND REAUTHORIZE A SALES AND USE TAX AT A RATE OF ONE-HALF (1/2) OF ONE (1) PERCENT FOR 15 YEARS FOR THE PURPOSE OF CRIME CONTROL AND PREVENTION; SPECIFYING THE PURPOSE OF THE ELECTION; SPECIFYING BALLOT LANGUAGE; APPOINTING AN ELECTION ADMINISTRATOR, VOTING CLERK, ELECTION JUDGE AND ALTERNATE ELECTION JUDGE; DESIGNATING THE LOCATION OF POLLING PLACE; PROVIDING FOR DATES; PRESCRIBING THE HOURS; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 6, 2020, City Council passed Ordinance No. 02-2020-386 calling for and ordering a Special Election to be held on May 2, 2020 to determine whether the citizens of Crowley, Texas, desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention; and

WHEREAS, on March 13, 2020, Governor Gregory Abbott certified that the novel coronavirus (COVID-19) posed an imminent threat of disaster and under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, Governor Gregory Abbott signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, the Crowley Crime Control and Prevention District and the one-half (1/2) of one (1) percent sales and use tax is set to expire on September 30, 2020; and

WHEREAS, Section 41.0011 of the Texas Election Code allows for a Special Election to be held as an emergency election on a date other than a uniform election date if requested by the political subdivision and granted by the Governor of the State of Texas; and

WHEREAS, on April 3, 2020, the Crowley Crime Control and Prevent District Board Chairperson and City of Crowley Mayor requested to hold an Emergency Special Election on July 14, 2020 which was granted by Proclamation, signed Governor Gregory Abbott on April 6, 2020, attached hereto as Exhibit "A."

WHEREAS, the City Council of Crowley desires to and hereby orders a Special Election

to determine whether the citizens desire to continue the Crowley Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of crime control and prevention to held on July 14, 2020 as an emergency election pursuant to Section 41.0011(b) of the Texas Election Code.

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

Section 1. Special Election Called. The City Council of Crowley, Texas, hereby calls and orders a Special Election to determine whether the citizens desire to continue the Crowley Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of crime control and prevention to held on July 14, 2020 as an emergency election pursuant to Section 41.0011(b) of the Texas Election Code.

Section 2. Purpose of Election. To hold a Special Election to submit to the qualified voters of the City of Crowley, Texas, a proposition relating to the continuation of the Crowley Crime Control and Prevention District for 15 years pursuant to Chapter 363 of the Texas Local Government Code and providing for the Crime Control and Prevention District sales and use tax rate of one-half (1/2) of one (1) percent be continued for 15 years.

Section 3. Ballot Language.

FOR	()	WHETHER THE CITY OF CROWLEY CRIME CONTROL AND PREVENTION DISTRICT SHOULD BE CONTINUED FOR 15 YEARS AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES AND USE TAX SHOULD BE CONTINUED FOR 15 YEARS.
AGAINST	()	

Section 4. Appointment of Election Administrator and Voting Clerk. For both Tarrant County and Johnson County Voters, Carol Konhauser, City Secretary, (“Elections Administrator”) is hereby designated as the Voting Clerk for both Early Voting and Election Day Voting, and she may appoint the necessary deputy clerks as required.

Section 5. Appointment of Election Judge and Alternate Election Judge. The following named individuals are hereby appointed to serve as election officer for the Election and Early Voting Ballot Board for the July 14, 2020 Special Election:

Presiding Election Judge	Theresa Freihage
Alternate Presiding Judge/Clerk	Santa Gutierrez and Erin Hoffman

Section 6. Early Voting.

a. **Early voting by personal appearance.** The location for early voting shall be, for both Tarrant County and Johnson County, City of Crowley voters:

City of Crowley Recreation Center
405 S Oak St
Crowley, Texas.

Early voting by personal appearance shall commence July 6, 2020 and end on July 10, 2020 during the below listed hours.

Monday, July 6, 2020 7:00 a.m. until 7:00 p.m.

Tuesday, July 7, 2020	7:00 a.m. until 7:00 p.m.
Wednesday, July 8, 2020	7:00 a.m. until 7:00 p.m.
Thursday, July 9, 2020	7:00 a.m. until 7:00 p.m.
Friday, July 10, 2020	7:00 a.m. until 7:00 p.m.

b. **Early voting - Ballot to be Voted by Mail.** Applications for ballot to be voted by mail may be delivered to the respective County Elections Administrator by **US Postal Service, common or contract carrier, telephonic facsimile machine, or email**, not later than close of business on Thursday, **July 2, 2020**.



Tarrant County (USPS):
Tarrant County Elections
P.O Box 961011
Fort Worth, TX 76161

(Express Courier)
Tarrant County Elections
2700 Premier St
Fort Worth, TX 76111

Tarrant County Fax: (817) 831-6118
Tarrant County Email: votebymail@tarrantcounty.com



Johnson County
Johnson County Elections Office
103 S Walnut St
Cleburne TX 76033

Johnson County Email: vote@johnsoncountytexas.org

Ballots to be voted by mail will be mailed to voters not later than the seventh (7) calendar day after verification by the voting clerk or the date the ballots become available for mailing, whichever occurs later.

The voting clerk must physically receive marked ballots by the last mail delivery on Election Day which is Tuesday, July 14, 2020. If the ballot is being mailed from outside of the US, the ballot must be received by the last mail delivery on the fifth (5th) calendar day following the election which would be Monday, July 20, 2020 (the fifth calendar day is a Sunday). Marked ballots may also be delivered in person **ONLY** on Election Day, July 14, 2020, while polls are open.

c. **Early voting Ballot Board.** Early voting, both by personal appearance and by mail shall be canvassed by the Early Voting Ballot Board which is hereby created. The Presiding Election Judge and Alternate Presiding Election Judge, appointed herein, shall serve as the presiding officer and alternate presiding officer, respectively, of the Early Voting Ballot Board. The other election officers serving at the election shall serve as the other members of the Early Voting Ballot Board.

Section 7. Method of Voting. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the Election, in accordance with this Ordinance. Early Voting by personal appearance and Election Day voting shall be conducted by using the M100 Optical Scan Voting System or AutoMark Accessibility Unit and shall be conducted in accordance with the Election Code.

Section 8. Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 9. Publication and Posting of Notice of Election. Notice of the election shall be given as required by the Texas Election Code.

Section 10. Delivery of Returns. Immediately after the closing of the polls on the day of the election, the election officers named in this ordinance shall make and deliver the returns of the election in accordance with the Texas Election Code.

Section 11. Submissions to the United States Justice Department. The City Secretary of the City of Crowley or her designee is authorized to make such submissions as are necessary to the United States Justice Department, if any, to seek pre-clearance for any changes in voting practices.

Section 12. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Effective Date. This ordinance shall be effective upon its adoption.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2020.

CITY OF CROWLEY, TEXAS

Billy P. Davis
MAYOR

ATTEST:

Carol C. Konhauser
CITY SECRETARY

APPROVED AS TO FORM:

Rob Allibon
CITY ATTORNEY

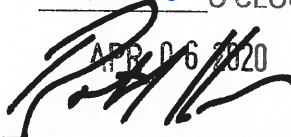


GOVERNOR GREG ABBOTT

April 6, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701


APR 06 2020
Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation allowing the Crowley Crime Control and Prevention District to order a special election on July 14, 2020, as an emergency election.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, also on March 19, 2020, and March 31, 2020, the Governor issued executive orders in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention, and mandated certain obligations for Texans that are recommended by federal guidelines and aimed at slowing the spread of COVID-19; and

WHEREAS, Section 41.001(a)(2) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on May 2, 2020; and

WHEREAS, on March 18, 2020, the Governor suspended Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020; and

WHEREAS, on March 20, 2020, the Governor issued a proclamation postponing the runoff primary election date to July 14, 2020, and early voting by personal appearance for the runoff primary election begins on July 6, 2020, in accordance with Section 85.001(b) of the Texas Election Code; and

WHEREAS, Section 41.007(d) of the Texas Election Code provides that no other election may be held on the date of a primary election; and

WHEREAS, Section 41.008 of the Texas Election Code provides that an election held on a date not permitted is void; and

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day; and

WHEREAS, Section 363.251(a) of the Texas Local Government Code authorizes that a crime control and prevention district created by a political subdivision may hold a referendum on the question of whether to continue the district on the next uniform election date authorized by Section 41.001(a) of the Texas Election Code; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

APR 06 2020

WHEREAS, the Crowley Crime Control and Prevention District has ordered a special election on the question of whether to continue the district, and such election was scheduled for May 2, 2020; and

WHEREAS, Section 41.0011 of the Texas Election Code provides that a special election may be held as an emergency election before the appropriate uniform election date if a political subdivision asks the Governor for permission to do so and the Governor determines that an emergency exists; and

WHEREAS, the Crowley Crime Control and Prevention District desires to order a special election as an emergency election on the question of whether to continue the district pursuant to Section 41.0011 of the Texas Election Code and has asked the Governor for permission to hold such election prior to November 3, 2020; and

WHEREAS, an emergency exists under Section 41.0011 of the Texas Election Code due to the circumstances presented by the COVID-19 disaster and because the Crowley Crime Control and Prevention District is not able to wait until November 3, 2020, to hold a special election on the question of whether to continue the district; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Sections 41.007(d) and 41.008 of the Texas Election Code to the extent necessary to allow the Crowley Crime Control and Prevention District to order its special election to occur on July 14, 2020, as an emergency election on the question of whether to continue the district pursuant to Section 41.0011(b) of the Texas Election Code. I further suspend Section 85.001(a) of the Texas Election Code to the extent necessary to allow early voting by personal appearance for the special election to begin not earlier than Monday, July 6, 2020, and to run concurrently with the early voting period for the runoff primary election.

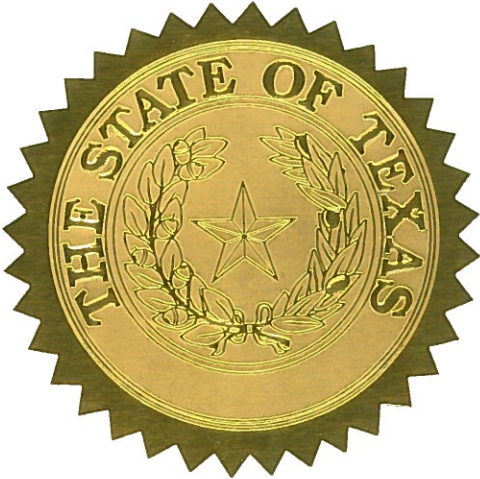
The authority ordering the election under Section 3.004 of the Texas Election Code is the authority authorized to make the decision to postpone its election in accordance with this proclamation.

Early voting by personal appearance shall begin on Monday, July 6, 2020, in accordance with Section 85.001(d) of the Texas Election Code so that it runs concurrently with the early voting period for the runoff primary election.

IN TESTIMONY WHEREOF, I have
hereto signed my name and have
officially caused the Seal of State to
be affixed at my office in the City of

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

APR 06 2020



Austin, Texas, this the 6th day of
April, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT
Governor of Texas

ATTESTED BY:

Handwritten signature of Ruth R. Hughs in black ink.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2pm O'CLOCK

APR 06 2020

ORDER OF SPECIAL ELECTION FOR MUNICIPALITIES
(ORDEN DE ELECCION ESPECIAL PARA MUNICIPIOS)
(ĐẶT HÀNG BẦU CỬ ĐẶC BIỆT)

An election is hereby ordered to be held on July 14, 2020, from 7:00 a.m. to 7:00 p.m. for the purpose of conducting a Special Election to submit to the qualified voters a proposition to determine whether the citizens desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention.

(Se ordena una elección el 14 de julio de 2020, de 7:00 a.m. a 7:00 p.m. con el fin de realizar una Elección Especial para presentar a los votantes calificados una propuesta para determinar si los ciudadanos desean continuar el Distrito de Control y Prevención del Delito y volver a autorizar un impuesto sobre las ventas y el uso a una tasa de la mitad (1/2) de uno (1) por ciento por 15 años con el propósito de Control y Prevención del Delito.)

(Một cuộc bầu cử theo lệnh được tổ chức vào ngày 14 tháng 7 năm 2020, từ 7:00 sáng đến 7:00 tối. với mục đích tiến hành Cuộc bầu cử đặc biệt để đệ trình cho cử tri đủ điều kiện một đề xuất để xác định xem công dân có muốn tiếp tục Khu vực phòng chống và kiểm soát tội phạm hay không và ủy quyền lại thuế bán và sử dụng với tỷ lệ một nửa (1/2) một (1) phần trăm trong 15 năm cho mục đích Kiểm soát và Phòng ngừa tội phạm.)

Early Voting by personal appearance for City of Crowley, Tarrant County and Johnson County voters will be conducted each weekday between July 6, 2020 through July 10, 2020 at City of Crowley Recreation Center, 405 S Oak Street, Crowley, Texas 76036 as follows:

(La votación en adelantada en persona para los votantes de la Ciudad de Crowley y los Condados de Tarrant y Johnson se llevara acabo el 6 de julio, 2020 hasta el 10 de julio, 2020 en el centro de recreación de la ciudad de Crowley, 405 S Oak Street., Crowley, Texas 76036 como sigue:)

(Bỏ phiếu sớm bằng cách xuất hiện cá nhân cho các cử tri của Thành phố Crowley, Hạt Tarrant và Hạt Johnson sẽ được tiến hành mỗi ngày trong tuần từ ngày 6 tháng 7 năm 2020 đến ngày 10 tháng 7 năm 2020 tại Trung tâm giải trí City of Crowley, 405 S Oak Street, Crowley, Texas 76036 như sau:)

July 6 - 10, 2020	Monday-Friday	7:00 am- 7:00 pm
(6 al 10 de julio de 2020)	(Lunes-Viernes)	(7:00 am- 7:00 pm)
(Ngày 6 tháng 7 đến ngày 10 tháng 7 năm 2020)	(Thứ Hai đến thứ Sáu)	(7:00 sáng đến 7:00 chiều)

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

(Đơn xin bỏ phiếu qua thư sẽ được gửi đến:)

City Hall
Attn: Carol Konhauser
201 East Main Street
Crowley, Texas 76036

Applications can be scanned with an original signature and emailed to ckonhauser@ci.crowley.tx.us

(Las aplicaciones pueden ser escaneadas con una firma original y enviadas por correo electrónico a ckonhauser@ci.crowley.tx.us)

(Các ứng dụng có thể được quét bằng chữ ký gốc và gửi qua email tới ckonhauser@ci.crowley.tx.us)

Applications for ballots by mail must be received no later than the close of business on Thursday, July 2, 2020.

(Las solicitudes para boletas que se votaron en ausencia por correo deberán recibirse para el fin de las horas de negocio el jueves, 2 de julio, 2020)

(Đơn xin phiếu bầu qua thư phải được nhận không muộn hơn ngày kết thúc kinh doanh vào thứ năm ngày 2 tháng 7 năm 2020.)

Issued this the 16th day of April 2020. (Emitada este dia 16 de abril, 2020) (Phát hành vào ngày 16 tháng 4 năm 2020.)

Billy P. Davis
Signature of Mayor
(Firma del Alcalde)
(Chữ ký của Thị trưởng)

Johnny Shotwell
Signature of Council Member 1
(Firma de la Miembro del Consejo 1)
(Chữ ký của thành viên Hội đồng 1)

Jerry Beck
Signature of Council Member 2
(Firma de la Persona del Consejo 2)
(Chữ ký của thành viên Hội đồng 2)

Jesse Johnson
Signature of Council Member 3
(Firma de la Persona del Consejo 3)
(Chữ ký của thành viên Hội đồng 3)

Carl T. Weber, III
Signature of Council Member 4
(Firma de la Persona del Consejo 4)
(Chữ ký của thành viên Hội đồng 4)

Tina Pace
Signature of Council Member 5
(Firma de la Persona del Consejo 5)
(Chữ ký của thành viên Hội đồng 5)

Christine Gilbreath
Signature of Council Member 6
(Firma de la Persona del Consejo 6)
(Chữ ký của thành viên Hội đồng 6)

Instruction Note:A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.

**NOTICE OF SPECIAL ELECTION
(AVISO DE ELECCION ESPECIAL)
(THÔNG BÁO BẦU CỬ ĐẶC BIỆT)**

To the Registered Voters of the City of Crowley, Texas:

(a los votantes registrados de la Ciudad de Crowley, Texas)

(Gửi đến những người bỏ phiếu đã đăng ký của Thành phố Crowley, Texas:)

Notice is hereby given that the polling place(s) listed below will be open from 7:00 a.m. to 7:00 p.m., on July 14, 2020, for voting in an special election to determine whether the citizens desire to continue the Crime Control and Prevention District and reauthorize a sales and use tax at a rate of one-half (1/2) of one (1) percent for 15 years for the purpose of Crime Control and Prevention.

(Se da aviso de que los lugares de votación enumerados a continuación estarán abiertos de 7:00 a.m. a 7:00 p.m., el 14 de julio de 2020, para votar en una elección especial para determinar si los ciudadanos desean continuar con el Control del Crimen y el Distrito de Prevención y reautorizar un impuesto sobre las ventas y el uso a una tasa de la mitad (1/2) del uno (1) por ciento durante 15 años con el propósito de Control y Prevención del Delito.)

(Thông báo được đưa ra rằng (các) địa điểm bỏ phiếu được liệt kê dưới đây sẽ mở cửa từ 7:00 sáng đến 7:00 tối, ngày 14 tháng 7 năm 2020, để bỏ phiếu trong một cuộc bầu cử đặc biệt để xác định xem công dân có muốn tiếp tục Kiểm soát tội phạm hay không và Khu vực phòng ngừa và ủy quyền lại thuế bán và sử dụng với tỷ lệ một nửa (1/2) của một (1) phần trăm trong 15 năm cho mục đích Kiểm soát và Phòng ngừa tội phạm.)

LOCATION OF POLLING PLACE(S) ON ELECTION DAY

(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)

(VỊ TRÍ CỦA NƠI SAU (S) VÀO NGÀY BẦU CỬ)

TARRANT COUNTY VOTERS
(VOTANTES DEL CONDADO TARRANT)
(VOTERS QUẬN TARRANT)

JOHNSON COUNTY VOTERS
(VOTANTES DEL CONDADO JOHNSON)
(VOTERS QUẬN JOHNSON)

City of Crowley Recreation Center
405 S Oak Street
Crowley, Texas 76036

Early Voting by personal appearance for City of Crowley, Tarrant County and Johnson County voters will be conducted each weekday between July 6, 2020 through July 10, 2020 at City of Crowley Recreation Center, 405 S Oak Street, Crowley, Texas 76036 as follows:

(La votación en adelantada en persona para los votantes de la Ciudad de Crowley y los Condados de Tarrant y Johnson se llevara acabo el 6 de julio, 2020 hasta el 10 de julio, 2020 en el centro de recreación de la ciudad de Crowley, 405 S Oak Street, Crowley, Texas 76036 como sigue:)

(Bỏ phiếu sớm bằng cách xuất hiện cá nhân cho các cử tri của Thành phố Crowley, Hạt Tarrant và Hạt Johnson sẽ được tiến hành mỗi ngày trong tuần từ ngày 6 tháng 7 năm 2020 đến ngày 10 tháng 7 năm 2020, trung tâm giải trí thành phố Crowley, 405 S Oak Street, Crowley, Texas 76036 như sau :)

July 6 - 10, 2020 <i>(6 al 10 de julio de 2020)</i> <i>(Ngày 6 đến ngày 10 tháng 7 năm 2020)</i>	Monday-Friday <i>(Lunes-Viernes)</i> <i>(Thứ Hai đến thứ Sáu)</i>	7:00 am- 7:00 pm <i>(7:00 am- 7:00 pm)</i> <i>(7:00 sáng đến 7:00 chiều)</i>
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Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

(Đơn xin bỏ phiếu qua thư sẽ được gửi đến:)

TARRANT COUNTY VOTERS
(VOTANTES DEL CONDADO TARRANT)
(VOTERS QUẬN TARRANT)

JOHNSON COUNTY VOTERS
(VOTANTES DEL CONDADO JOHNSON)
(VOTERS QUẬN JOHNSON)

City Hall
Attn: Carol Konhauser
201 East Main Street
Crowley, Texas 76036

Applications can be scanned with an original signature and emailed to ckonhauser@ci.crowley.tx.us

(Las aplicaciones pueden ser escaneadas con una firma original y enviadas por correo electrónico a ckonhauser@ci.crowley.tx.us)

(Các ứng dụng có thể được quét bằng chữ ký gốc và gửi qua email tới ckonhauser@ci.crowley.tx.us)

Applications for ballots by mail must be received no later than the close of business on:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el)

(Đơn xin phiếu bầu qua thư phải được nhận không muộn hơn ngày kết thúc kinh doanh vào:)

Thursday, July 2, 2020 (jueves, 2 de julio, 2020) (Thứ năm ngày 2 tháng 7 năm 2020)

Issued this the 16th day of April, 2020

(Emitada este día 16 de abril, 2020)

(Phát hành vào ngày 16 tháng 4 năm 2020)

Billy P. Davis, Mayor
(Firma del Alcalde)
(Thị trưởng thành phố)



Crowley City Council

AGENDA REPORT

Meeting Date:	April 16, 2020	Staff Contact:	Carol Konhauser City Secretary
Agenda Item:	IV-2	E-mail:	ckonhauser@ci.crowley.tx.us
		Phone:	817-297-2201-X4000

SUBJECT: Discuss and consider adoption of Ordinance 04-2020-393 an ordinance of the City Council of the City of Crowley, Texas, postponing the General Election to be held on May 02, 2020 to November 3, 2020 pursuant to the Proclamation issued by Governor Gregory Abbott; making finds related thereto; appointing and election administrator; appointing an election judge and alternate judge, designating location of polling place; providing for dates; prescribing the hours; providing for the posting and publication of notice; and providing an effective date.

BACKGROUND/DISCUSSION

On February 6, 2020, City Council passed Ordinance No. 02-2020-385, ordering a General election to elect for the positions of City Council Place 5 and Place 6.

Due to the current situation surrounding the COVID-19 epidemic, the Governor issued an executive order authorizing local governmental agencies to move their May 2, 2020 election date to Nov 3, 2020.

In the best interest of the health and safety of our citizens, staff is requesting council move the General Election to the uniform election date of November 3, 2020.

Additionally, Tarrant County will be holding the county's election at the Event Center and staff requests to move the polling place to this location. Doing so would reduce confusion and frustration for our citizens and possibly increase voter participation.

FINANCIAL IMPACT

The ballots and data cards were already ordered for the May 2, 2020 election (est cost approximately \$2,500). The estimated cost to hold the General Election in November is approximately \$11,500. The additional cost is due to the requirement of having our polling places open the same days and times as the County which is three (3) additional 12-hour days.

RECOMMENDATION

Staff recommends adoption of Ordinance 04-2020-393.

ATTACHMENTS

- Ordinance 03-2020-393

ORDINANCE NO. 04-2020-393

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CROWLEY, TEXAS, POSTPONING THE GENERAL ELECTION TO BE HELD ON MAY 2, 2020 TO NOVEMBER 3, 2020 PURSUANT TO THE PROCLAMATION ISSUED BY GOVERNOR GREGORY ABBOTT; MAKING FINDINGS RELATED THERETO; APPOINTING AN ELECTION ADMINISTRATOR, VOTING CLERK, ELECTION JUDGE AND ALTERNATE ELECTION JUDGE; DESIGNATING THE LOCATION OF POLLING PLACE; PROVIDING FOR DATES; PRESCRIBING THE HOURS; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 6, 2020, City Council passed Ordinance No. 02-2020-385, ordering a General election to elect for the positions of City Council Place 5 and Place 6; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, Governor Gregory Abbott signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Crowley to postpone the May 2, 2020 General Election, the City Council does, by this Ordinance, exercise its authority to postpone the General Election ordered for May 2, 2020, for the purpose of electing the Council Member for Place 5 and Place 6 to November 3, 2020;

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

Section 1. General Election Postponed. The General Election previously ordered for May 2, 2020, called to elect members for the position of City Council Place 5 and City Council Place 6, to serve a three (3) year term ending May of 2023 or until their successors are duly elected and qualified is hereby postponed to November 3, 2020 between the hours of 7:00 a.m. and 7:00 p.m. at location(s) set forth in the Notice of Election to be posted no later than August 17, 2020.

Section 2. Application for Place on Ballot. That the candidate filings for the General Election for May 2, 2020, for the City of Crowley, Texas, for the purpose of electing members of the City Council for Place 5 and Place 6, shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened for the election to be held on November 3, 2020.

Section 3. Applications Ballot By Mail. That all annual applications ballot by mail (ABBM)s for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 election.

Section 4. Important Dates for November 3, 2020 Election. The following dates will be followed for the November 3, 2020 General Election Date:

- Voter Registration deadline - October 5, 2020
- Deadline to submit an application for ballot by mail - October 23, 2020
- Early Voting dates - October 19, 2020 thru October 23, 2020 and
October 26, 2020 thru October 30, 2020
- Last day to receive ballot by mail - November 3, 2020 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR November 4, 2020 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (subject to overseas or military voter deadlines).
- Election Day - November 3, 2020

Section 5. Appointment of Election Administrator and Voting Clerk. For both Tarrant County and Johnson County Voters, Carol Konhauser, City Secretary, (“Elections Administrator”) is hereby designated as the Voting Clerk for both Early Voting and Election Day Voting, and she may appoint the necessary deputy clerks as required.

Section 6. Appointment of Election Judge and Alternate Election Judge. The following named individuals are hereby appointed to serve as election officer for the Election and Early Voting Ballot Board for the November 3, 2020 General Election:

Presiding Election Judge
Alternate Presiding Judge/Clerk

Theresa Freihage
Santa Gutierrez and Erin Hoffman

Section 7. Polling Place: Location, Date, and Times: No later than August 17, 2020, the City Council will make any necessary revisions to the order of election and post required notices. Such revisions include, but are not limited to, changing location of the polling place(s), changing early voting dates and hours; including weekend early voting; changing appointment of Election Administrator; changing appointment of Election Judge(s) and Alternate Election Judge(s).

Section 8. Publication: The City Secretary shall publish the caption of this ordinance in the City's official newspaper and post the full Ordinance on the City Website.

Section 9. Effective Date. This ordinance shall be effective upon its adoption.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2020.

CITY OF CROWLEY, TEXAS

Billy P. Davis
MAYOR

ATTEST:

APPROVED AS TO FORM:

Carol C. Konhauser
CITY SECRETARY

Rob Allibon
CITY ATTORNEY



Crowley City Council

AGENDA REPORT

Meeting Date: April 16, 2020

Agenda Item: IV-3

Staff Contact: Mike Rocamontes
Public Works Director

E-mail: mrocamontes@ci.crowley.tx.us

Phone: 817-297-2201-X 3290

SUBJECT: Discuss and consider a Developer's Agreement for Well's Addition at 1651 S. Hampton Rd.

BACKGROUND/DISCUSSION

Discuss and consider approving a Developer's Agreement for the Well's Addition located at 1651 S. Hampton Rd. Mr. Well's will tap in to the city water main located at the intersection of Blue Gill Ln. and S. Hampton Rd. with a 2" water line to run service to his property. The property will be serviced by an "on-site sewer system" or "aerobic septic system" for sanitary sewer instead of connecting to the city system since the nearest connection for sewer is more than 100 ft. from his property and the site is greater than one (1) acre.

*EXHIBITS B and C to be filled in when the construction costs are determined.

FINANCIAL IMPACT

N/A

RECOMMENDATION

Staff Recommends Approval

ATTACHMENTS

Developer's Agreement
View/Map of Property

**CITY OF CROWLEY DEVELOPER’S AGREEMENT
FOR THE
WELLS ADDITION**

STATE OF TEXAS

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COUNTY OF TARRANT

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THIS CITY OF CROWLEY DEVELOPER’S AGREEMENT FOR THE WELLS ADDITION (the “Agreement”) is entered into on the _____ day of 2020, between the City of Crowley, Texas, hereinafter referred to as the "CITY", and Mark Wells, whose address is 900 Monticello Dr., Burleson TX 76028, hereinafter referred to as the "DEVELOPER".

WHEREAS, the DEVELOPER has requested the CITY to permit the development of a tract of land to be known as Wells Addition (the "Addition"), an approximately 1.642 acre single family residential development, of which 1.042 acres is within the City of Crowley, as further described and depicted in the attached Exhibit “A”; and

WHEREAS, the CITY approved a final plat for the Addition on July 22, 2019, which requires the construction of community facilities and improvements to serve the Addition as provided herein; and

WHEREAS, this Agreement shall operate as a covenant running with the land and shall be binding upon the DEVELOPER and its representatives, officers, agents, servants, employees, successors and assigns.

NOW, THEREFORE, the CITY and the DEVELOPER, in consideration of the mutual covenants and agreements contained herein, do mutually agree as follows:

A. ZONING, PLATTING and ADDITION PLANNING

All property owned by the DEVELOPER and located within the limits of the Addition shall be zoned and platted in accordance with the Comprehensive Zoning Ordinance of the City (the “Zoning Ordinance”), as amended, and Chapter 98 of the City Code of Ordinances (the “General Development Ordinance”), as amended, before any building permit will be issued. The DEVELOPER shall dedicate, at no cost to the CITY, all easements and other dedications as required by CITY regulations at the time of platting.

The DEVELOPER shall comply with all requirements in this Agreement as a condition of approval of the Addition.

B. PUBLIC IMPROVEMENTS

All public and private infrastructure improvements, including streets, utilities, drainage, sidewalks,

street lighting, street signage, and all other required improvements, shall be provided by the DEVELOPER, at no cost to the CITY, in accordance with the general development regulations and other regulations of the CITY, and as approved by the City engineer or his agent. Such improvements shall be installed within all applicable time frames in accordance with all applicable regulations of the CITY, and this Agreement.

The DEVELOPER shall employ a civil engineer licensed to practice in the State of Texas for the design and preparation of plans and specifications for the construction of the public improvements. The DEVELOPER shall assume all responsibility for the adequacy and accuracy of the design, plans and specifications. Engineering studies, plan/profile sheets, and other construction documents (hereinafter referred to as the "Construction Plans") prepared by the licensed engineer shall be provided by the DEVELOPER at the time of platting as required by the General Development Ordinance. Such documents shall be approved by the City engineer or his agent prior to approval and filing of a final plat. Construction of such improvements shall not be initiated until a pre-construction conference with the City has been conducted regarding the proposed construction.

In accordance with the General Development Ordinance of the CITY, construction of all public improvements shall be subject to routine review by the City engineer or his agent to evaluate conformance with the Construction Plans, project specifications and CITY standards. However, such review and evaluation shall not relieve the DEVELOPER, his engineer and/or agent of responsibility for the design, construction and maintenance of the improvements as set out in this Agreement and relevant ordinances of the CITY.

Upon completion of construction of public improvements as required by this Agreement and the General Development Ordinance, the DEVELOPER shall deliver to the CITY the following as-built construction plans for the public improvements constructed or engineered by the DEVELOPER:

1. One FULL set in AutoCAD 14 (or the City's most recent version);
2. One FULL MYLAR set;
3. One FULL Blue-Line set;
4. One Blue-Line copy of the executed ("filed") Final Plat sheet;
5. Two (2) Blue-Line copies of the Water and Sanitary Sewer Layout sheet at a scale of 1:200; and
6. One Blue-Line copy of the Storm Drain Layout sheet at a scale of 1:200.
7. Shapefiles (GIS) providing the location of water and sanitary sewer layout, storm drain layout, and street layout reflecting correct right-of-way width. The shapefiles shall be provided in the Texas NAD83 State Plane coordinate system for North Central Texas.

No building permits will be issued for the Addition until all public improvements have been installed and inspected and a letter of acceptance has been issued by the City.

C. CONSTRUCTION BONDS AND INSURANCE

Prior to initiating any construction for the Addition, the construction contractor(s) for the DEVELOPER shall provide the CITY with one original and one quality copy of the following construction bonds:

1. PERFORMANCE BOND

A good and sufficient performance bond in an amount equal to one hundred percent (100%) of the total contract price of the contract between the DEVELOPER and the prime contractor for the construction of public improvements (and any private improvements constructed in lieu thereof), guaranteeing the full and faithful execution of the work and performance of the contract and for the protection of the CITY against any improper execution of the work or the use of inferior materials. The performance bond shall guarantee completion of the improvements within one year of execution of this Agreement.

2. PAYMENT BOND

A good and sufficient payment bond in an amount equal to one hundred percent (100%) of the total contract price of the contract between the DEVELOPER and the prime contractor for the construction of public improvements (and any private improvements constructed in lieu thereof), guaranteeing payment for all labor, materials and equipment used in the construction of the improvements.

3. MAINTENANCE BOND

A good and sufficient maintenance bond in an amount equal to one hundred percent (100%) of the total cost of the public improvements (and any private improvements constructed in lieu thereof), guaranteeing the maintenance in good condition of the public improvements for a period of two (2) years from and after the date that a letter of acceptance is issued by the CITY indicating that the public improvements have been completed by the DEVELOPER and accepted by the CITY.

Each of the above bonds shall be in a form acceptable to the CITY. Any surety company through which a bond is written shall be duly authorized to do business in the State of Texas, provided that the CITY shall retain the right to reject any surety company for any work under this Agreement regardless of such company's authorization to do business in the State of Texas. Approval by the City shall not be unreasonably withheld or delayed.

DEVELOPER, or DEVELOPER's contractors, must maintain insurance relating to the construction of the public improvements pursuant to this Agreement meeting the requirements of the CITY, including workers' compensation, general liability, and comprehensive automobile/truck liability insurance, and such insurance shall name the CITY as an additional insured.

D. UTILITIES

1. WATER

All required on-site and off-site water mains, valves, fire hydrants and other improvements shall be constructed by the DEVELOPER in accordance with the plans and specifications

prepared by the DEVELOPER's engineer, identified in the attached Exhibit "B", and accepted by the CITY prior to the issuance of any building permit. The CITY shall assume maintenance responsibilities of the water system and improvements within the dedicated easements once the two-year maintenance bond is released.

2. SANITARY SEWER

Not applicable as there will be no connection to the City sanitary sewer utility line. This property will utilize an on-site sanitary sewer facility. (septic system)

3. DRAINAGE

All required on-site and off-site drainage improvements shall be constructed by the DEVELOPER in accordance with the plans and specifications prepared by the DEVELOPER's engineer, identified in the attached Exhibit "B", and accepted by the CITY prior to the issuance of any building permit. The DEVELOPER agrees to comply with all applicable EPA, TCEQ and other federal, state and local requirements relating to the planning, permitting and management of storm water. The DEVELOPER agrees to construct the necessary drainage facilities within the Addition. These facilities shall be designed and constructed in accordance with the CITY's General Development Ordinance, and the Construction Plans. The DEVELOPER agrees to comply with all provisions of the Texas Water Code. The CITY shall assume maintenance responsibilities of the drainage facilities and improvements within the dedicated easements once the two-year maintenance bond is released.

E. PUBLIC FACILITIES TO BE PROVIDED BY THE CITY

1. The CITY makes no guarantee that water supply or wastewater treatment capacity will be available at any particular time or place, it being fully understood by both parties hereto that the ability of the CITY to supply water and wastewater services is subject to the CITY's water and wastewater system capacity. The CITY shall be the sole judge of the availability of such capacity to supply such water and/or wastewater services, provided, however, that the CITY will use its best efforts to insure that said water supply and wastewater treatment capacity is available.
2. The CITY does note to the DEVELOPER that a 8" water line exists in the right of way of Blue Gill Drive.
3. The CITY does note to the DEVELOPER that an 8" sanitary sewer line exists on Richard St. in the Crestview Addition.

F. FEES

1. IMPACT FEES

It is understood and agreed that impact fees will be assessed by the CITY at the time of final

platting of the Addition, including any applicable sanitary sewer and water impact fees assessed by both the CITY and the City of Fort Worth (the CITY's wholesale service provider). These fees must be paid prior to obtaining building permits for lots in the Addition.

2. PUBLIC UTILITIES

The DEVELOPER understands that City is not responsible for payment for fees to any public utility company and will not pay the public utility companies (Charter Communications Cable Company, SBC Telephone Company, TXU Energy Company, Atmos and ONCOR for electric service) for their required costs of main installations, for street lighting, etc. for the Addition.

3. CONSTRUCTION INSPECTION FEES

The DEVELOPER hereby agrees to pay the CITY construction inspection fees equal to three percent (3%) of the construction costs of water and sanitary sewer infrastructure improvements and three percent (3%) of the construction costs of street and drainage improvements for the Addition. Payment is due prior to initiating construction of these infrastructure improvements.

G. DETERMINATION OF ROUGH PROPORTIONALITY

DEVELOPER hereby agrees that the specific exactions required by the CITY and agreed to by the DEVELOPER in this Agreement (collectively the "Exactions"), and any land or property it donates to the CITY as part of the development of any public improvements, are roughly proportional to the need for such exaction or land, and DEVELOPER hereby waives any claim therefor that it may have. DEVELOPER further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the public improvements. DEVELOPER specifically waives and releases all claims which DEVELOPER may have against the CITY: (1) related to any and all rough proportionality and individual determination requirements mandated by Subchapter Z of Chapter 212, Texas Local Government Code, as well as other requirements of a nexus between development conditions and the projected impact of the public improvements; (2) related to the specific exactions required by the CITY and agreed to by DEVELOPER in this Agreement; and (3) that any exactions required by this Agreement constitute a "taking" (i.e., an inverse condemnation) under the Texas or United States Constitutions.

H. GENERAL CONDITIONS

1. CONSTRUCTION TIME

Work performed under this Agreement shall be commenced within one (1) year from the date thereof. In the event the work is not completed within two (2) years from commencement of construction, the CITY may, at its election, draw on the performance bond, or other security provided by DEVELOPER and complete such work at DEVELOPER's expense, provided however, that if the construction under this Agreement shall have started within the two (2) year period, the CITY may agree to renew the Agreement with such renewed Agreement to be in compliance with the CITY policies and ordinances in effect at that time.

2. LAW COMPLIANCE

The DEVELOPER agrees to comply with all federal, state and local laws that are applicable to development of the Addition.

3. EROSION CONTROL

During construction of the improvements in the Addition and after the streets have been installed, the DEVELOPER agrees to keep the streets free from soil build-up. The DEVELOPER agrees to use soil control measures such as silt screening, hydromulch, etc., to prevent soil erosion. It will be the DEVELOPER'S responsibility to present to the City engineer a soil control development plan that will be implemented for the Addition. When, in the opinion of the City engineer or his agent, there is sufficient soil build-up on the streets or other drainage areas and notification has been given to the DEVELOPER, the DEVELOPER will have forty-eight (48) hours to clear the soil from the streets or affected areas. If the DEVELOPER does not remove the soil from the streets within the forty-eight (48) hours, the CITY may cause the soil to be removed either by contract or CITY forces and place the soil within the Addition at the DEVELOPER'S expense. All expenses must be paid to the CITY prior to acceptance of the Addition.

4. VENUE

Venue for any action brought hereunder shall be in Tarrant County, Texas.

5. ASSIGNMENT

This Agreement or any part hereof or any interest herein shall not be assigned by the DEVELOPER without the express written consent of the City, which consent shall not be unreasonably withheld.

I. FINAL ACCEPTANCE OF GENERAL DEVELOPMENT INFRASTRUCTURE

The CITY will not issue a letter of acceptance until the Addition's public improvements are completely constructed (Final Completion) to the satisfaction of the City engineer or his agent. However, upon substantial completion, a "punch list" of outstanding items shall be presented to the DEVELOPER'S contractor(s) indicating those outstanding items and their deficiencies that need to be addressed for Final Completion of the public improvements in the Addition.

The DEVELOPER agrees to deliver to the CITY clear and unencumbered title to all public improvements. Upon issuance of a letter of acceptance, title to all public improvements mentioned herein shall be vested in the CITY and the DEVELOPER hereby relinquishes any right, title or interest in and to such public improvements or any part thereof. It is understood and agreed that the CITY shall have no liability or responsibility in connection with such public improvements until the letter of acceptance is issued.

J. NON-WAIVER

The DEVELOPER expressly acknowledges that by entering into this Agreement, the DEVELOPER, its successors, heirs, assigns, grantees, trustees, and/or representatives, shall never construe this Agreement as waiving any of the requirements of the Zoning Ordinance or General Development Ordinance or any other ordinance of the CITY.

K. HOLD HARMLESS AGREEMENT

THE DEVELOPER SPECIFICALLY ACKNOWLEDGES AND AGREES THAT APPROVAL BY THE CITY ENGINEER OR OTHER CITY EMPLOYEE OF THE CONSTRUCTION PLANS OR ANY OTHER PLANS, DESIGNS OR SPECIFICATIONS SUBMITTED BY THE DEVELOPER PURSUANT TO THIS AGREEMENT SHALL NOT CONSTITUTE OR BE DEEMED TO BE A RELEASE OF THE RESPONSIBILITY AND LIABILITY OF THE DEVELOPER, HIS ENGINEER, EMPLOYEES, OFFICERS OR AGENTS FOR THE ACCURACY AND COMPETENCY OF THEIR DESIGN AND SPECIFICATIONS. SUCH APPROVAL SHALL NOT BE DEEMED TO BE AN ASSUMPTION OF SUCH RESPONSIBILITY AND LIABILITY BY THE CITY FOR ANY DEFECT IN THE DESIGN AND SPECIFICATIONS PREPARED BY THE DEVELOPER'S ENGINEER, HIS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES, IT BEING THE INTENT OF THE PARTIES THAT APPROVAL BY THE CITY ENGINEER SIGNIFIES THE CITY'S APPROVAL ON ONLY THE GENERAL DESIGN CONCEPT OF THE IMPROVEMENTS TO BE CONSTRUCTED. IN THIS CONNECTION, THE DEVELOPER SHALL, FOR A PERIOD OF TWO (2) YEARS AFTER THE ACCEPTANCE BY THE CITY OF THE COMPLETED CONSTRUCTION OF INFRASTRUCTURE FOR THE ADDITION, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES, FROM ANY LOSS, DAMAGE, LIABILITY OR EXPENSE ON ACCOUNT OF DAMAGE TO PROPERTY AND INJURIES, INCLUDING DEATH, TO ANY AND ALL PERSONS WHICH MAY ARISE OUT OF ANY DEFECT, DEFICIENCY OR NEGLIGENCE OF THE DEVELOPER'S ENGINEER'S DESIGNS AND SPECIFICATIONS INCORPORATED INTO ANY IMPROVEMENTS CONSTRUCTED IN ACCORDANCE THEREWITH, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES, AND THE DEVELOPER SHALL DEFEND AT HIS OWN EXPENSE ANY SUITS OR OTHER PROCEEDINGS BROUGHT AGAINST THE CITY, ITS OFFICERS, AGENTS, SERVANTS OR EMPLOYEES OR ANY OF THEM, ON ACCOUNT THEREOF, AND SHALL PAY ALL EXPENSES (INCLUDING WITHOUT LIMITATION REASONABLE FEES AND EXPENSES OF ATTORNEYS) AND SATISFY ALL JUDGMENTS WHICH MAY BE INCURRED BY OR RENDERED AGAINST THEM OR ANY OF THEM IN CONNECTION THEREWITH.

THE DEVELOPER, ITS SUCCESSORS, ASSIGNS, VENDORS, GRANTEEES, AND/OR TRUSTEES DO HEREBY FULLY RELEASE AND AGREE TO, INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES FROM ALL CLAIMS, SUITS, JUDGMENTS, AND DEMANDS OF ANY NATURE WHATSOEVER, FOR PROPERTY DAMAGE OR PERSONAL INJURY,

INCLUDING DEATH, RESULTING FROM OR IN ANYWAY CONNECTED WITH THIS AGREEMENT OR THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AND FACILITIES IN THE ADDITION OR THE FAILURE TO SAFEGUARD THE CONSTRUCTION WORK, OR ANY OTHER ACT OR OMISSION OF THE DEVELOPER RELATED THERETO, WHICH ACCRUE PRIOR TO ACCEPTANCE OF THE IMPROVEMENTS BY THE CITY, WHETHER OR NOT CAUSED, IN WHOLE OR IN PART, BY THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES.

L. AMENDMENTS

This Agreement may be changed or modified only with the written consent of both the DEVELOPER and the city council of the CITY.

M. ASSESSMENT

In the event the DEVELOPER fails to comply with any of the provisions of this Agreement, the CITY shall be authorized to cease issuance of any further certificates of occupancy or building permits in the Addition, and the CITY shall be further authorized to file this Agreement in the Mechanic's Lien/Deed Records of Tarrant County as a mechanic's lien against the property in the Addition; and in the alternative, the CITY shall be authorized to levy an assessment against the property in the Addition for public improvements in accordance with applicable state law.

N. CONTINUITY

This Agreement shall be a covenant running with the land and shall be binding upon the DEVELOPER, its successors, heirs, assigns, grantees, trustees and/or representatives.

O. SEVERABILITY

The provisions of this Agreement are severable and, in the event any word, phrase, sentence, paragraph, section or other provision of this Agreement, or the application thereof to any person or circumstance, shall ever be determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable for any reason, the remainder of this Agreement shall remain in full force and effect and the application thereof to any other person or circumstance shall not be affected thereby. The invalid, illegal or unenforceable provision shall be rewritten by the parties to this Agreement to accomplish the parties' original intent as nearly as possible.

P. DEFAULT

1. If DEVELOPER has not commenced construction within one (1) year after the execution of this Agreement, or completed construction within two (2) years from the commencement date, this Agreement shall terminate; provided however that the City may extend the term of the Agreement pursuant to Section H.1. hereof.

2. If DEVELOPER should breach any provisions of this Agreement, or commences any proceeding, voluntary or involuntary, or that any proceeding has been commenced against the Developer involving bankruptcy, insolvency, reorganization, liquidated or dissolution of the Developer or that any receiver has been appointed for the benefit of creditor, a breach of this Agreement shall be deemed to have occurred. In such event, City shall give Developer notice of the breach and the action necessary to cure the breach and the date by which the breach must be cured. Notice shall be sent to the Developer at the address listed in the signature line below. If Developer shall not cure the breach within the time specified, the City may, (i) terminate the Agreement and draw down on the bonds, (ii) cease issuance of any further certificates of occupancy or building permits on property owned by Developer, and (iii) file this instrument in the Mechanic's Lien records of the County as a Mechanic's lien against Developer's property; further, City shall be authorized to levy an assessment against Developer's property for public improvements in accordance with applicable state law. In addition, City shall have all remedies available by law.

Q. TERMINATION AND RELEASE

Upon the satisfactory completion by the DEVELOPER and final acceptance by the CITY of all requirements of this Agreement, this Agreement shall terminate and if this Agreement has been filed in the county records, the CITY will execute a release of covenant to the DEVELOPER, its assigns, successors, grantees, trustees and/or representatives and the CITY shall file said release in the county records; provided, however, the City's maintenance obligations with respect to the improvements described in this Agreement shall continue regardless of any termination or release of this Agreement.

R. OTHER CONDITIONS

1. **SIDEWALKS.** Sidewalks shall be fully constructed and installed in accordance with the City's subdivision ordinance and other development standards and requirements.
2. The Developer shall deposit with the City the amount of three percent (3%) of the estimated contract price of the improvements to cover the City's costs to inspect the improvements. Estimated costs for the public improvements are shown on Exhibit "C" attached hereto. The actual fees due to the City shall be based on reconciled final contract prices.

In Witness whereof, each of the parties hereto has caused this Agreement to be executed by its undersigned duly authorized representative effective as of the date herein above first mentioned.

MARK WELLS
900 Monticello Dr,
Burlson, TX 76028

By: _____
Mark Wells

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for Tarrant County, Texas, on this day personally appeared Mark Wells known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

Type of Print Notary's Name

My Commission Expires:

CITY OF CROWLEY

By: _____
Billy Davis, Mayor

ATTEST:

By: _____
Carol Konhauser, City Secretary

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for Tarrant County, Texas, on this day personally appeared Billy Davis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is the Mayor of the City of Crowley, Texas, and that he executed the same on behalf of the City for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____ 20____.

Notary Public in and for the State of Texas

Type of Print Notary's Name

My Commission Expires:

EXHIBIT "A"
PROPERTY DESCRIPTION

LAND DESCRIPTION:

A TRACT OF LAND IN THE H.G. CATLETT SURVEY, ABSTRACT NO. 371, TARRANT COUNTY, TEXAS, AND BEING ALL OF A TRACT OF LAND CONVEYED TO MARK E. WELLS IN THAT DEED RECORDED IN DOCUMENT NO. D218283314, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 60D NAIL FOUND FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, SAID NAIL BEING THE NORTHWESTERLY CORNER OF LOT 1, BLOCK 1, WHISPERING OAKS ESTATES, AN ADDITION TO THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS, AS RECORDED IN VOLUME 9, PAGE 355, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AS CONVEYED TO RICHARD IRBY IN VOLUME 3484, PAGE 525, DEED RECORDS, JOHNSON COUNTY, TEXAS, SAID NAIL BEING IN THE EAST RIGHT-OF-WAY LINE OF SOUTH HAMPTON ROAD (VARIABLE R-O-W);

THENCE North 06°36'30" West ALONG SAID RIGHT-OF-WAY LINE AND GENERALLY WITH A FENCE, A DISTANCE OF 397.31 FEET TO AN 1/2 INCH IRON ROD SET WITH A PLASTIC CAP STAMPED, "RPLS 5544" FOR CORNER;

THENCE North 64°34'02" East, A DISTANCE OF 7.33 FEET TO A 1 INCH IRON ROD FOUND FOR CORNER, SAID IRON ROD BEING IN THE WESTERLY LINE OF DEER CREEK ESTATES, AN ADDITION TO THE CITY OF CROWLEY, TARRANT COUNTY, TEXAS, CABINET A, SLIDE 5989, PLAT RECORDS, TARRANT COUNTY, TEXAS;

THENCE South 44°33'25" East ALONG SAID WESTERLY LINE, A DISTANCE OF 558.31 FEET TO A 1/2 INCH IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RPLS 5544", FOR CORNER;

THENCE WEST, A DISTANCE OF 352.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.642 ACRES OF LAND, MORE OR LESS.

EXHIBIT "B"
DESCRIPTION OF IMPROVEMENTS

On-Site Improvements subject to this agreement are as shown in the Plans for the Construction of Water and Sewer Improvements to serve the Wells Addition dated _____ by _____ of _____, as approved by the City Engineer dated _____.

Off-Site Improvements subject to this Agreement are as shown _____.

EXHIBIT "C"
DESCRIPTION OF ESTIMATED COSTS

The estimated Construction Cost and Community Facilities Fee is as follows:

Onsite:

- 1. Water lines and appurtenances \$ _____
- 2. Sewer lines and appurtenances \$ _____

Total Estimated Construction Cost \$ _____

Total Estimated Construction Inspection Fees (3%) \$ _____

Note: Actual Construction Inspection Fees to be reconciled upon construction contract completion and may result in additional fees due to City or refund to Developer.



S. Hampton Rd.

Well's Property

Google