

CITY OF ALVARADO

County of Johnson

State of Texas

September 15, 2008

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, September 15, 2008 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Tom Durlington	*	Mayor
Dwayne Richters	*	Mayor Pro Tem
Joe Sain	*	Councilperson
Bruce Clark	*	Councilperson
David Bayless	*	Councilperson

Absent:

Tom Moore	*	Councilperson
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Others Present:

Don Ives	*	City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney
Kelle Whitfill	*	Finance Director

INVOCATION

Mayor Tom Durlington called this regular meeting to order at 7:00 P.M. Mayor Tom Durlington gave the invocation.

PLEDGE OF ALLEGIANCE

MAYOR'S PRESENTATION

Mayor Tom Durlington presented Mr. Paul Cox and Floyd Bartula for their hard work improving the neighborhoods of Alvarado.

Mayor Pro Tem Dewayne "Coach" Richters then presented former Councilperson Mellie Ferguson a clock and plaque for her dedication to the City Council the citizens of Alvarado for the past 35 years by serving as a council member.

Minutes
Regular Council Meeting
September 15, 2008
Page Two

**CONSIDERATION AND ACTION REGARDING NAMING THE
SKATEBOARD PARK IN PARKWAY PARK THE “MELLIE FERGUSON
SKATEBOARD PARK”**

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Joe Sain, to name the skateboard park in Parkway Park the “Mellie Ferguson Skateboard Park” and to direct the Public Works Director to order signs to place in the park. This motion supported four votes in approval and zero votes opposed.

EXECUTIVE SESSION

Mayor Tom Durlington then convened into Executive Session at 7:22 P.M.

Mayor Pro Tem Dewayne Richters reconvened into open session at 7:56 P.M.

PUBLIC HEARING

Mayor Tom Durlington opened the Public Hearing regarding rezoning of Lot 3, Block 1 of the Rosewood Addition, located along Tulane Avenue, from a C-2 (Commercial) Zone to a MF (Multi-Family) Zone, and authorizing issuance of a Specific Use Permit to accommodate a multi-family residence. Case No. 8-032 at 7:57 p.m.. The Planning and Zoning Commission met on September 9, 2008 and approved the rezoning and Specific Use Permit with an 80% masonry requirement. Mayor Tom Durlington stated that this item should go before the Tax Increment Reinvestment Board next week before any action is taken on this item. Mayor Durlington closed the Public Hearing at 7:59 p.m.

Mayor Tom Durlington opened the Public Hearing regarding the proposed 2008-2009 fiscal year budget at 8:00 P.M. Don Ives, City Manager explained several changes that had been made to the budget. Mayor Durlington closed the Public Hearing at 8:12 p.m.

Mayor Tom Durlington opened the Public Hearing regarding the proposed ad valorem tax rate for 2008-2009 at 8:13 p.m. Don Ives, City Manager stated that the proposed ad valorem tax rate would be \$0.697313 per \$100.00 valuation. Mayor Tom Durlington closed the Public Hearing at 8:15 p.m.

PROCLAMATIONS

Mayor Tom Durlington read the following Proclamation:
Anti-Bullying Week – October 27-31, 2008

Minutes
Regular Meeting
September 15, 2008
Page Three

CONSENT AGENDA

Motion was made by Councilperson David Bayless and duly seconded by Councilperson Joe Sain, to approve the Consent Agenda. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPOINTMENT OF REGULAR MEMBER TO THE PLANNING AND ZONING COMMISSION AND POSSIBLE APPOINTMENT OF ALTERNATE MEMBER

Motion was made by Councilperson Joe Sain, duly seconded by Councilperson David Bayless, to accept the appointment of Mike McBee as a regular member of the Planning and Zoning Commission. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ORDINANCE OF THE CITY OF ALVARADO, TEXAS APPOINTING THE PRESIDING JUDGE OF THE MUNICIPAL COURT OF RECORDED IN THE CITY OF ALVARADO, TEXAS

Motion was made by Councilperson Joe Sain, duly seconded by Councilperson David Bayless, to approve reappoint Tony Driver as the presiding Judge of the Municipal Court of the City of Alvarado, Texas. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION RESOLUTION TO ADOPT TAX ABATEMENT CRITERIA AS PROVIDED FOR BY CHAPTER 312, TEXAS TAX CODE TO PROMOTE ECONOMIC DEVELOPMENT THROUGH THE ESTABLISHMENT OF REINVESTMENT ZONES AND ADOPTION OF CRITERIA FOR TAX ABATEMENT AGREEMENT.

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Dewayne "Coach" Richters, to approve the resolution to adopt tax abatement criteria as provided for by Chapter 312, Texas Tax Code to promote economic development through the establishment of reinvestment zones and adoption of criteria for tax abatement agreement. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING LEASE AGREEMENT BETWEEN THE CITY OF ALVARADO AND THE MUSEUM OF GLASS MADE IN AMERICA, INC. FOR THE LEASE OF APPROXIMATELY 7.141 ACRES LOCATED AT ABSTRACT 625, TRACTS 6 AND 6A, GEORGE S. MCINTOSH SURVEY.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Bruce Clark to approve and authorize the Mayor to execute the lease agreement between the City of Alvarado and the Museum of Glass Made in America, Inc. for the lease of approximately 7.141 acres located at Abstract 625, Tracts 6 and 6a, George S. McIntosh survey. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING CHAPTER 95 GOVERNING NUISANCES TO ADD A NEW SECTION 95.52 DECLARING GRAFFITI TO BE A PUBLIC NUISANCE, MAKING IT UNLAWFUL TO MAINTAIN OR ALLOW GRAFFITI TO REMAIN ON PRIVATELY OWNED REAL PROPERTY IN THE CITY, AND PROVIDING THAT THE PROVISIONS OF SECTIONS 95.32 THROUGH 95.34 OF THE CODE OF ORDINANCES SHALL APPLY TO THE REMOVAL OR ABATEMENT OF GRAFFITI.

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Joe Sain to approve an ordinance amending Chapter 95 governing nuisances to add a new Section 95.52 declaring graffiti to be a public nuisance, making it unlawful to maintain or allow graffiti to remain on privately owned real property in the city, and providing that the provisions of Sections 95.32 through 95.34 of the code of ordinances shall apply to the removal or abatement of graffiti. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS AMENDING REGULATIONS GOVERNING DANGEROUS AND SUBSTANDARD BUILDINGS.

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Bruce Clark, to approve an ordinance of the City of Alvarado, Texas amending regulations governing dangerous and substandard buildings. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING APPENDIX 1, FEE SCHEDULE, OF THE CITY OF ALVARADO CODE OR ORDINANCES BY INCREASING VARIOUS FEES AND CHARGES.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Joe Sain to approve and ordinance amending Appendix 1, Fee Schedule, of the City of Alvarado Code or Ordinances by increasing various fees and charges. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE REZONING LOT 3, BLOCK 1 OF THE ROSEWOOD ADDITION, LOCATED AT THE INTERSECTION OF TULANE AVENUE FROM A C-2 (COMMERCIAL) ZONE TO A MF (MULTI-FAMILY) ZONE, AND AUTHORIZING ISSUANCE OF A SPECIFIC USE PERMIT TO ACCOMMODATE A MULT-FAMILY RESIDENCE.

Motion was made by Councilperson Joe Sain, duly seconded by Mayor Pro Tem Dewayne “Coach” Richters, to table this item to a later date so that it may be taken back before the Tax Increment Reinvestment Board. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE COMBINATION PLAT OF TRACT 281C OF THE SETH MORRIS SURVEY, LOCATED ON FM 3136, TO BE CALLED LOT 1 OF THE MORENO SECOND ADDITION.

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Joe Sain, to approve the combination plat of Tract 281c of the Seth Morris Survey, located on FM 3136, to be called Lot 1 of the Moreno Second Addition. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING SETTING A DATE FOR A PUBLIC HEARING WHETHER TO ORDER THE REPAIR, REMOVAL OR DEMOLITION OF THE FOLLOWING SUBSTANDARD PROPERTY: 201 JESSUP, LOT 5, BLOCK 1 OF THE ROBERTSON ADDITION AND WHETHER TO CAUSE THE COST OF SUCH WORK TO BE PAID AND LEVIED AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY.

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Bruce Clark to hold a Public Hearing on October 20, 2008 to order the repair, removal or demolition of the Substandard property located at 201 Jessup, Lot 5, Block 1 of the Robertson Addition and to determine whether to cause the cost of such work to be paid and levied as a special assessment against the property. This motion supported four votes in approval and zero votes opposed. Motion carried.

PUBLIC COMMENTS

Ms. Teresa Seamon addressed the Council in reference to the condition of Lake Alvarado. She stated that the lake had leaches, needed an aerator system, and general maintenance to keep the lake alive.

Minutes
Regular Meeting
September 15, 2008
Page Six

CITY MANAGERS REPORT

City Manager Don Ives updated the Council and stated that the cameras were up in Parkway Park and the Gazebo on the square.

He also reminded the Council of the Workshop on Monday, October 13, 2008 at 6:30 P.M. and the Special Council Meeting on Monday, September 22, 2008 at 7:00 p.m.

CONSIDER POSSIBLE ACTION RESULTING FROM ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION.

No action was taken.

ADJOURNMENT

Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Joe Sain to adjourn this regular meeting of the City Council of the City of Alvarado at 8:47 p.m. This motion supported four votes in approval and zero votes opposed. Motion carried.

Passed and approved this the _____ day of _____, 2008.

Mayor Tom Durlington

ATTEST:

Debbie Thomas, City Secretary