

CITY OF ALVARADO

County of Johnson

State of Texas

September 20, 2010

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, September 20, 2010 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Dewayne Richters	*	Mayor
Joe Sain	*	Mayor Pro Tem
Tom Moore	*	Councilperson
Jacob Wheat	*	Councilperson
David Bayless	*	Councilperson
Bruce Clark	*	Councilperson

Absent:

Tom Moore	*	Councilperson
Arrdeen Vaughan	*	Councilperson

Others Present:

Kelle Whitfill	*	Acting City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney
Terry Hafer	*	Public Works Director
Richard VanWinkle	*	Fire Chief
Sharon Vass	*	Community Development Director
Brad Anderson	*	Interim Police Chief

INVOCATION

Mayor Dewayne Richters called this regular meeting to order at 6:35 P.M. and gave the Invocation.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mayor Dewayne Richters opened the Public Hearing regarding the submission of an application to the Texas Department of Rural Affairs for a Texas Community Development Block Grant (TxCDBG) for sewer improvements. Jessica Kaltenbach informed the council that this would be for the 2011-2012 grant and would be replacing sewer lines in the Tanglewood, Wildwood and Elwood area. The total grant would be for \$275,000.00 with a matching portion from the city of \$42,230.00. The deadline for the submission of this grant is October 8, 2010 and we will not know if we are approved until March of 2011. Mayor Richters closed this Public Hearing at 6:46 p.m.

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Mayor Richters opened the Public Hearing for the rezoning of Block 50, part of lots 67 and 68, of the College Hill Addition, also known as 210 S. Parkway by issuance of a Specific Use Permit to accommodate a flea market in a C-2 (Heavy Commercial District) Zone. Sharon Vass, Director of Community Development, explained to the council that Mr. Floyd Bartula, owner of the property had come before the Planning and Zoning Commission to ask for a Specific Use Permit to operate a flea market. This land is in a flood area but there are no buildings within this area. Mayor Richters closed this public hearing at 6:58 p.m.

CONSENT AGENDA

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

CONSIDERATION AND ACTION REGARDING APPROVAL OF A TIME EXTENSION AND ISSUE A CORRECTED DEED WITHOUT WARRANTY FOR PAULA RAYBURN MINISTRIES, FOR CERTAIN TRACT OR PARCEL OF LAND BEING PART OF SUBDIVISION 1, BLOCK 23, JOHNSON COUNTY, TEXAS, BEING A PART OF THE ANDREW J. PATTON SURVEY, ABSTRACT NO. 685, ALVARADO, TEXAS.

Tom Durlington, speaking for Paula Rayburn due to her ill health, addressed the council and requested a ten year time extension for the Peachtree project. He also asked to add "Military Family" in type of family that can move into these homes. He was informed that no amendment would be needed to add "military family" since this project is for public purposes. Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain to grant a five year extension to Paula Rayburn Ministries and issue a corrected Deed Without Warranty. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ADOPTION OF THE 2010-2011 FISCAL YEAR OPERATING BUDGET.

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Bruce Clark to adopt the 2010-2011 fiscal year operating budget. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Jacob Wheat to adopt an ordinance affixing and levying municipal ad valorem taxes in the amount of \$0.722313 for each \$100 of valuation for property within the city limits of the City of Alvarado. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION ON A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR SEWER IMPROVEMENTS.

Motion was made by Councilperson Bruce Clark, duly seconded by Mayor Pro Tem Joe Sain, to approve a resolution authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Rural Affairs for sewer improvements. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION ON A RESOLUTION COMMITTING MATCHING FUNDS IN SUPPORT OF ACTIVITIES PROPOSED IN A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS FOR SEWER IMPROVEMENTS.

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Bruce Clark to approve a resolution committing matching funds in support of activities proposed in a Texas Community Development Block Grant Program application to the Texas Department of Rural Affairs for sewer improvements. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A SETTLEMENT AGREEMENT BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION AND ATMOS CITIES STEERING COMMITTEE.

Kelle Owen, representative from Atmos Energy explained to the council that this was the agreement that had been reached between Atmos Energy and the ACSC. The rate impact for a residential customer would be approximately \$1.40 per month increase and commercial customer would be \$3.82 per month. Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain to approve this settlement agreement between Atmos Energy and the Atmos Cities Steering Committee. This motion supported four votes in approval and zero opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS STEERING COMMITTEE (ACSC) AND ATMOS ENERGY CORPORATION REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM (RRM) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION.

Motion was made by Councilperson Bruce Clark, duly seconded by Mayor Pro Tem Joe Sain to approve a negotiated resolution between the Atmos Steering Committee and Atmos Energy Corporation regarding the company's third RRM filing in all cities exercising original jurisdiction. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE FINAL PROJECT PLAN AND FINANCE PLAN FOR ALVARADO TAX INCREMENT FINANCE ZONE #2

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain to approve the final project and finance plan for Alvarado Tax Increment Finance Zone #2. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING BOARD BYLAWS FOR THE ALVARADO TAX INCREMENT FINANCE ZONE #2.

Motion was made by Councilperson Bruce Clark, duly seconded by Councilperson David Bayless, to approve the board bylaws for the Alvarado Tax Increment Finance Zone #2. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE REZONING BLOCK 50, PART OF LOTS 67 AND 68, OF THE COLLEGE HILL ADDITION, ALSO KNOWN AS 210 S. PARKWAY BY ISSUANCE OF A SPECIFIC USE PERMIT TO ACCOMMODATE A FLEA MARKET IN A C-2 (HEAVY COMMERCIAL) ZONE.

After discussion, motion was made by Councilperson David Bayless, duly seconded by Councilperson Bruce Clark, to approve the specific use permit for only a flea market at this time. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING THE ALVARADO CODE OF ORDINANCES CHAPTER 24 “OFFENSES” TO PROHIBIT THE POSSESSION, SALE OR INGESTION OF CERTAIN SYNTHETIC CANNABINOID SUBSTANCES AND DRUGS.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Jacob Wheat to adopt an ordinance amending the Alvarado Code of Ordinances Chapter 24 “Offenses” to prohibit the possession, sale or ingestion of certain synthetic cannabinoid substances and drugs. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A RESOLUTION AMENDING THE FEE SCHEDULE FOR THE REZONING AND APPLICATION FEES ATTACHED AS EXHIBIT “A”.

Sharon Vass, Director of Community Development explained to the council that our current fees were excessive and recommended lowering the fee for rezoning and application fees. Motion was made by Councilperson Jacob Wheat, duly seconded by Councilperson Bruce Clark, to approve the resolution amending the fee schedule for the rezoning and application fees. This motion supported four votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPROVAL OF CONTRACT FOR POSTAGE METER SERVICES.

Kelle Whitfill, Interim City Manager explained to the council that our current contract for our postage meter is expiring. We have received quotes from Pitney Bowes and Mailing Partners and Pitney Bowes is the most economical machine to lease. The council instructed staff to look into obtaining postage online for the U. S. Postal Service. Motion was made Mayor Pro Tem Joe Sain, duly seconded by Councilperson Bruce Clark to authorize staff to go with the most economical way for the cities postage. This motion supported four votes in approval and zero votes opposed. Motion carried.

EXECUTIVE SESSION

There was not an Executive Session at this meeting.

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

There was no action taken.

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PUBLIC COMMENTS

Tom Durlington, representing Paula Rayburn, asked the council to consider a refund of zoning application fees to Ms. Rayburn for her Peachtree project since it is a non-profit organization.

CITY MANAGERS REPORT

There was no city manager's report at this meeting.

COUNCIL COMMENTS

There were no council comments at this meeting.

ADJOURNMENT

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain to adjourn this regular meeting of the City Council of the City of Alvarado at 7:32 p.m. This motion supported four votes in approval and zero votes opposed. Motion carried.

Passed and approved this the _____ day of _____, 2010.

Mayor Dewayne "Coach" Richters

ATTEST:

Debbie Thomas, TRMC
City Secretary