

CITY OF ALVARADO

**County of Johnson
State of Texas
January 19, 2009**

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, January 19, 2009 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

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

Others Present:

Don Ives	*	City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney

INVOCATION

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

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Mayor Tom Durlington then swore in the new members of the City of Alvarado Zoning Board of Adjustments.

City Secretary Debbie Thomas swore in Fire Marshall Paul Bemis as a Peace Officer for the City of Alvarado.

PUBLIC HEARING

The Public Hearing regarding the rezoning of a part of Tract 4, of the J.M. Ross Survey, Abstract 737 from SF-2 Single Family Zone to a MF Multifamily Zone was opened at 7:06 P.M. The following individuals addressed the council requesting that deny this zoning change:

Minutes
Regular Council Meeting
January 19, 2009
Page Two

Jacob Wheat, 104 Fossil Way
Mike Murphy, Vice President, Best Homes
Vickie Lorent, 105 Pebblecreek Way
Ms. Andre – 605 Stonegate

Mayor Tom Durlington then closed this Public Hearing at 7:16 P.M.

CONSIDERATION AND ACTION REGARDING REZONING OF A PART OF TRACT 4, OF THE J.M. ROSS SURVEY, ABSTRACT 737 FROM SF-2 SINGLE FAMILY ZONE TO MF MULTIFAMILY ZONE.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to deny the rezoning of a part of Tract 4, of the J.M. Ross Survey, Abstract 737 from SF-2 Single Family Zone to MF Multifamily Zone. This motion supported six votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING REGARDING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF ALVARADO, TEXAS; PROVIDING FOR THE DELETION OF THE SF-3 SINGLE FAMILY RESIDENTIAL DISTRICT, ADING NEW PARKING REGULATIONS AND SPECIAL MASONRY REQUIRMENTS, ADDING NEW DEFINITIONS AND REVISING THE ZONING MAP TO SHOW THAT THE PROPERTIES DESIGNATED AS SF-3 SINGLE FAMILY DISTRICT ARE RE-DESIGNATED AS SF-2 SINGLE FAMILY RESIDENTIAL DISTRICT.

Mayor Tom Durlington opened this Public Hearing at 7:18 P.M. City Manager Don Ives explained the changes that were to be made to the Zoning Ordinance to the Council. Mayor Tom Durlington closed the Public Hearing at 7:29 P.M.

CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF ALVARADO, TEXAS; PROVIDING FOR THE DELETION OF THE SF-3 SINGLE FAMILY RESIDENTIAL DISTRICT, ADING NEW PARKING REGULATIONS AND SPECIAL MASONRY REQUIRMENTS, ADDING NEW DEFINITIONS AND REVISING THE ZONING MAP TO SHOW THAT THE PROPERTIES DESIGNATED AS SF-3 SINGLE FAMILY DISTRICT ARE RE-DESIGNATED AS SF-2 SINGLE FAMILY RESIDENTIAL DISTRICT.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn to approve an amendment to the Zoning Ordinance of the City of Alvarado, Texas; providing for the deletion of the SF-3 Single Family Residential District; adding new parking regulations and special masonry requirements; adding new definitions and revising the zoning map to show that the properties designated as SF-3 Single Family Residential District are re-designated as SF-2 Single Family Residential District. This motion supported four votes in approval, 1 nay (Sain) and 1 abstention (Bayless). Motion carried.

CONSENT AGENDA

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

DAVID WITCHER/REX DRAUGHN- PRESENTATION OF PROJECT AND REQUEST FOR ECONOMIC DEVELOPMENT GRANT ON US HWY 67 AND I-35 PROJECT.

David Witcher and Rex Draughn addressed the Council explaining the infrastructure costs for the US Hwy 67 and I-35 Project. The estimated costs are:

Extension of Sewer Line	-	\$325,000.00
Extension of Gas Line	-	\$175,000.00
Extension of Water Line	-	\$350,000.00
TXDOT Street repairs	-	\$200,000.00

At this time, they are requesting up to \$350,000.00 grant from the city for the extension of the sewer and gas lines.

CONSIDERATION AND ACTION REGARDING RATIFICATION OF THE ALVARADO ECONOMIC DEVELOPMENT CORPORATION'S ACTION REGARDING THE ECONOMIC DEVELOPMENT GRANT FOR US HWY 67 AND I-35 PROJECT.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Michael Rayburn to ratify the City of Alvarado Economic Development Board's action and to approve the grant of \$100,000.00 for the first two years and consideration of \$50,000.00 for the third year dependant on the level of development for the project. This motion supported six votes in approval and zero votes opposed. Motion carried.

Minutes
Regular Meeting
January 19, 2009
Page Four

CONSIDERATION AND ACTION REGARDING ECONOMIC DEVELOPMENT GRANT ON US. HWY 67 AND I-35 PROJECT.

Mayor Tom Durlington then convened into Executive Session at 7:39 P.M.
Mayor Tom Durlington reconvened into Open Session at 7:50 P.M.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn to approve a 380 Economic Development Agreement on US Hwy 67 and I-35 Project with the following terms: 50% of sales tax collected up to a period of ten (10) years not to exceed a total payment of \$350,000.00 and to authorize the Mayor to execute all contract necessary. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS AND POSSIBLE ALTERNATE MEMBERS.

Sharon Vass, Community Development Director, addressed the Council explaining that there is one member and one alternate member opening on the Planning and Zoning Board. This will be placed on the next regular agenda for the Council to appoint new members.

Marshall Hall has been moved as an alternate member to a board member. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to move Marshall Hall from an alternate member to a board member on the Planning and Zoning Commission. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION AND PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION.

Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Michael Rayburn to approve an ordinance amending the existing gas franchise between the City and Atmos Energy Corporation to provide for a different consideration and providing for acceptance by Atmos Energy Corporation. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING SETTING A DATE FOR A PUBLIC HEARING TO DETERMINE WHETHER TO REPAIR, REMOVAL, OR DEMOLITION OF THE FOLLOWING SUBSTANDARD PROPERTIES: BLOCK 74, LOT 3, ORIGINAL TOWN ADDITION KNOWN AS 605 SANTA FE; AND BLOCK 71, LOT 10, ORIGINAL TOWN ADDITION LOCATED AT THE CORNER OF ATCHLEY AND EZELL; AND WHETHER TO CAUSE THE COST OF SUCH WORK TO BE PAID AND LEVIED AS A SPECIAL ASSESSMENT AGAINST THE PROPERTIES.

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Michael Rayburn to set the next regular meeting on February 16, 2009 for a Public Hearing to determine whether to repair, remove or demolish the structures located at Block 71, Lot 10, Original Town Addition located at the corner of Atchley and Ezell and Block 74, Lot 3, Original Town Addition known as 605 Santa Fe. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS AMENDING THE SIGN REGULATIONS SET FORTH IN CHAPTER 111 OF THE CITY CODE; PROVIDING A VARIANCE PROCEDURE AND ESTABLISHING MINIMUM ELIBILITY CRITERIA TO SECURE A VARIANCE TO THE REQUIREMENTS OF THE ORDINANCE.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to approve an ordinance of the City of Alvarado, Texas amending the sign regulations set forth in Chapter 111 of the City Code; providing a variance procedure and establishing minimum eligibility criteria to secure a variance to the requirements of the ordinance. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A REQUEST FOR VARIANCES FROM THE CITY OF ALVARADO CODE OF ORDINANCES, CHAPTER 111, TABLE 1, ENTITLED “SCHEDULE OF PERMANENT SIGNS” REGARDING THE HEIGHT AND SQUARE FOOTAGE OF A PROPOSED OFF-PREMISE POLE SIGN TO BE LOCATED ON LOT 2B OF THE VILLAGE PARK ADDITION.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to table this item until the next regular meeting of the City Council. This motion supported six votes in approval and zero votes opposed. Motion carried.

Minutes
Regular Meeting
January 19, 2009
Page Six

CONSIDERATION AND ACTION REGARDING THE COMBINATION PLAT OF TRACT 30 OF THE J DIXON SURVEY, ABSTRACT 214, TO BE CALLED LOT 1 OF THE AUTOZONE ADDITION.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to approve the combination plat of Tract 30 of the J Dixon Survey, Abstract 214, to be called Lot 1 of the AutoZone addition. This motion supported six votes in approval and zero votes opposed. Motion carried.

WORKSHOP

City Manager Don Ives addressed the Council in reference to the concept plans for the AISD/Parkway Park parking lot. He stated that the Mayor and he had attended the AISD Board meeting and the school district wanted to share 50% of the costs of this project. They also would like to co-own the property with the city with an estimated total cost of a concrete lot with curbs and gutter would be \$280,000.00. This item will be brought back before the school board and the Alvarado City Council.

PUBLIC COMMENTS

Jacob Wheat then thanked the City Council for the decision they had made regarding the rezoning of part of Tract 4, of the J.M. Ross Survey from SF-2 Single Family Residential to MF Multi-Family residential.

EXECUTIVE SESSION

Mayor Tom Durlington called for an Executive Session at 8:27 P.M.

Open Session was reconvened at 9:18 P.M.

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

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to table items 18 and 19 until the next regular meeting. This motion supported six votes in approval and zero votes opposed. Motion carried.

ADJOURNMENT

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to adjourn this regular meeting of the City Council of the City of Alvarado at 9:20 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

Minutes
Regular Meeting
January 19, 2009
Page Seven

Passed and approved this the _____ day of _____, 2009.

Mayor Tom Durington

ATTEST:

Debbie Thomas, City Secretary