

CITY OF ALVARADO

County of Johnson State of Texas August 18, 2008

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, August 18, 2008 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

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

Absent:

Tom Durlington	*	Mayor
Mellie Ferguson	*	Councilperson

Others Present:

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

INVOCATION

Mayor Pro Tem Dewayne Richters called this regular meeting to order at 7:00 P.M. Mayor Pro Tem Dewayne Richters gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mayor Pro Tem Dewayne Richters opened the Public Hearing regarding replat of Block 2, Lots 1 and 2 of the Rosewood Addition, located at the intersection of Tulane Ave. and I-35W Service Road, to be called Block 2, Lots 1R and 2R of the Rosewood Addition at 7:03 P.M. The Public Hearing was closed at 7:04 P.M.

Mayor Pro Tem Dewayne Richters moved Item 12 so that action could be taken at this time. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to approve the replat of Block 2, Lots 1 and 2 of the Rosewood Addition, located at the intersection of Tulane Ave. and I-35W Service Road, to be called Block 2, Lots 1R and 2R of the Rosewood Addition. This motion supported five votes in approval and zero votes opposed.

Mayor Pro Tem Dewayne Richters opened the Public Hearing regarding the adoption of an ordinance affirming the policy of the city that applications for approval of permits related to development shall be processed under the regulations in effect at the time of application unless the applicant establishes an entitlement to vested rights, establishing procedures for the recognition of vested rights, providing for appeal, providing that this ordinance apply to all permits related to development as set forth herein, providing that this ordinance shall be cumulative of all ordinances, providing a severability clause, and providing an effective date at 7:05 P.M.. The Public Hearing was closed at 7:06 P.M.

WORKSHOP

City Manager Don Ives explained the proposed changes to the 2008-2009 fiscal year budget since the Budget Workshop and that the Council would be receiving their printed budget next week.

City Manager Don Ives addressed the Council in reference to the proposed agreement with Alamo Fireworks and Gary Turley to permit fireworks companies to operate within the City of Alvarado's ETJ or city limits. Council requested that the City Manager present this agreement to Alamo Fireworks and get back to the Council at the next regular meeting.

PROCLAMATIONS

Mayor Pro Tem Dewayne Richters read the following Proclamations:
National Alcohol and Drug Addiction Recovery Month
National Preparedness Month – September, 2008

CONSENT AGENDA

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

CONSIDERATION AND ACTION REGARDING RESIGNATION OF MELLIE FERGUSON, WARD II COUNCILPERSON

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain, to accept, with deep regret, the resignation of Mellie Ferguson, Ward II Councilperson. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ORDINANCE OF THE CITY OF ALVARADO, TEXAS TO REPEAL EXEMPTION FROM SALES AND USE TAXES OF CERTAIN TELECOMMUNICATIONS SERVICES.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve this ordinance to repeal exemption from sales and use taxes of certain telecommunications services. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION APPROVING AN ORDINANCE AFFIRMING THE POLICY OF THE CITY THAT APPLICATIONS FOR APPROVAL OF PERMITS RELATED TO DEVELOPMENT SHALL BE PROCESSED UNDER THE REGULATIONS IN EFFECT AT THE TIME OF APPLICATION UNLESS THE APPLICANT ESTABLISHES AN ENTITLEMENT TO VESTED RIGHTS, ESTABLISHING PROCEDURES FOR THE RECOGNITION OF VESTED RIGHTS, PROVIDING FOR APPEAL, PROVIDING THAT THIS ORDINANCE APPLY TO ALL PERMITS RELATED TO DEVELOPMENT AS SET FORTH HEREIN, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilperson Bruce Clark, duly seconded by Councilperson Tom Moore, to approve the adoption of an ordinance affirming the policy of the city that applications for approval of permits related to development shall be processed under the regulations in effect at the time of application unless the applicant establishes an entitlement to vested rights, establishing procedures for the recognition of vested rights, providing for appeal, providing that this ordinance apply to all permits related to development as set forth herein, providing that this ordinance shall be cumulative of all ordinances, providing a severability clause, and providing an effective date. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION AUTHORIZING AWARD OF CONTRACT FOR ENGINEERING SERVICES FOR TEXAS CAPITAL FUND PROGRAM FOR SABRE INDUSTRIES, PROJECT PROPERTY LOCATED AT 8653 HWY 67 E.

Motion was made by Councilperson Joe Sain, duly seconded by Councilperson Tom Moore to authorize award of contract to Dannenbaum Engineering in the amount of \$131,360.00 for engineering services for the Texas Capital Fund Program for Sabre Industries, project property located at 8653 Hwy 67 E. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION AUTHORIZING AWARD OF CONTRACT FOR MANAGEMENT CONSULTING SERVICES FOR TEXAS CAPITAL FUND PROGRAM FOR SABRE INDUSTRIES, PROJECT PROPERTY LOCATED AT 8653 HWY 67 E.

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Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to authorize award of contract to Municipal Development Services in the amount of \$50,000.00 for managing consulting services for the Texas Capital Fund Program for Sabre Industries, project property located at 8653 Hwy 67 E. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING FISCAL YEAR 2008-2009 AD VALOREM TAX RATE

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve the proposed 2008-2009 Ad Valorem tax rate of \$0.697313. A record vote was taken as follows:

Councilperson David Bayless	-	Aye	
Councilperson Tom Moore	-	Aye	
Councilperson Joe Sain	-	Aye	
Councilperson Bruce Clark	-	Aye	
Mayor Pro Tem Dewayne Richters	-	Aye	

Motion carried with five ayes and zero nays.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to schedule two (2) Public Hearings on the 2008-2009 Tax Rate for Monday, September 8, and Monday September 15, 2008 at 7:00 P.M. in the City Council Chambers at City Hall. This motion supported five votes in approval and zero votes opposed.

PUBLIC COMMENTS

There were no Public Comments at this meeting.

CITY MANAGERS REPORT

City Manager Don Ives updated the Council on the Wastewater Treatment Plant progress. He also reminded them of the upcoming Public Hearings and meetings that will be held in reference to the budget and the tax rate.

EXECUTIVE SESSION

Mayor Pro Tem Dewayne Richters then convened into Executive Session at 7:55 P.M.

Mayor Pro Tem Dewayne Richters reconvened into open session at 8:25 P.M.

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

No action was taken.

ADJOURNMENT

Motion was made by Councilperson Joe Sain, duly seconded by Councilperson Bruce Clark to adjourn this regular meeting of the City Council of the City of Alvarado at 8:25 p.m. This motion supported five votes in approval and zero votes opposed. Motion carried.

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

Mayor Tom Durington

ATTEST:

Debbie Thomas, City Secretary