

CITY OF ALVARADO
County of Johnson
State of Texas
August 21, 2023
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, August 21, 2023 at 6:30 p.m. The following were present for roll call:

Name	Title	Present	Absent	Excused
Jacob Wheat	Mayor	X		
Michael Bennett	Council Ward 1		X	
Beverly Short	Council Ward 1	X		
Lydia Moon	Mayor Pro-Tem Ward 2	X		
Cherry Bryant	Council Ward 2	X		
Scott Arthur	Council Ward 3	X		
Kevin Thomas	Council Ward 3	X		

Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Laura Cox	Chief Financial Officer
Ashley Dierker	City Attorney
Donielle Suber	Assistant to the City Manager
Justin French	Community Dev. Director
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Teddy May	Police Chief
Michael Dwiggins	Public Works Director

Mayor Jacob Wheat called the meeting to order at 6:30 p.m. and Marty Douglas gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS- Micki LaRocco and Jameye Jones spoke regarding concerns and upcoming events.

AGENDA ITEMS 1, 2, & 3

PROCLAMATIONS

Mayor Wheat read and signed the following proclamations.

1. 9-11 Proclamation sponsored by the Truitt-Bishop American Legion Post #426.
2. Junior Reserve Officers: Training Corps Month Proclamation
3. Johnson County Pioneer and Old Settlers Reunion Week

AGENDA ITEMS 4,5,6,7,8,9,10

CONSENT AGENDA

4. Consideration and action to approve minutes for the 7/17/23 City Council Meeting.
5. Consideration and action to approve the 2023-24 Interlocal Cooperation Agreement for Dispatching Services between the City of Alvarado Police Department and Johnson County.
6. Consideration and action to approve the 2023-24 Interlocal Cooperation Agreement for Dispatching Services between the City of Alvarado Marshal and Johnson County.
7. Consideration and action to approve the 2023-24 Interlocal Cooperation Agreement for Housing City of Alvarado Class C Misdemeanor Offenses in the Johnson County Jail between the City of Alvarado and Johnson County.
8. Consideration and action to approve Ordinance 2023-0022 repealing the City of Alvarado Juvenile Curfew Ordinance.
9. Consideration and action to approve Records Management Policy and name Records Management Official for the City of Alvarado.
10. Consideration and action to approve Ordinance 2023-0024 to pass a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp. regarding the company's 2023 rate review mechanism filing.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the consent agenda.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #11

Legislative Update

City Attorney Ashley Dierker provided Council with an overview of laws passed in the 2023 state legislative session that will affect the City of Alvarado

No Council Action Required.

AGENDA ITEM #12

CONSIDERATION AND ACTION ON THE APPLICATION OF TORREZ & SONS REAL ESTATE, LLC REPRESENTED BY JOHN TORREZ FOR APPROVAL OF THE RAMBLER'S CORNER ADDITION FINAL PLAT ON 1.096 ACRES KNOWN AS TRACT 25 OF THE J. M. ROSS SURVEY, ABSTRACT 737, ADDRESSED AT 450 E. HWY 67.

The preliminary plans for the Rambler's Corner Addition were originally submitted in 2021, and City personnel have been working through various revisions and submittals of the plans. The final plat was submitted and deemed administratively complete on July 26, 2023.

Per Section 34-36.c of the Alvarado subdivision ordinance, the City Council shall:

- (1) Act within 30 days after the filing of the final plat and engineering plans,
- (2) Submit one of the following recommendations to the City Council.
 - a. Approve.
 - b. Approve with conditions
 - c. Disapprove (with detailed explanation)

At the August 8, 2023, the Planning and Zoning Commission recommended Council approve the final plat with condition listed in the attached approval letter consistent with the suggestion of the Development Review Committee (DRC).

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve the application of Torrez & Sons Real Estate LLC for a final plat on 1.096 acres known as Tract 25 of the J.M. Ross Survey, Abstract 737, addressed at 450 Hwy 67 with conditions stated by the Planning and Zoning Commission.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #13

PUBLIC HEARING, CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0018 REGARDING LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN, AND IMPACT FEE UPDATES FOR THE ALVARADO CAPITAL IMPROVEMENT PROGRAM.

Mayor Wheat opened the public hearing at 7:29 p.m.

On June 14, 2023, the Alvarado Capital Improvement Program Advisory Committee, that was appointed by City Council, held a public hearing at which the Committee was presented with Land Use Assumptions, Capital Improvement Plan, and Impact Fee Updates.

On June 14, 2023, the Alvarado Capital Improvement Program Advisory Committee recommended City Council approve the presented land use assumptions, capital improvement plan, and the maximum assessable fees for water, wastewater, roadway service area 1, and roadway service area 2. New fees are reflected in the information below:

Water and Wastewater Impact Fees. A fee shall be charged against new development in the City or its extraterritorial jurisdiction within the respective water and wastewater service areas defined in Exhibit "A". The fee shall be assessed and collected at rates based on the water meter size. The maximum assessable water and wastewater impact fees are in an amount equal to the amounts set forth in the table below multiplied by a factor of two. The water and wastewater impact fees shall be collected only in the following amounts:

Meter Type	Meter Size	LUE	Maximum Impact Fee	
			Water	Wastewater
Simple	5/8" x 3/4"	1	\$ 6,603.68	\$ 8,523.90
Simple	1"	2.5	\$ 16,509.21	\$ 21,309.74
Simple	1-1/2"	5	\$ 33,018.41	\$ 42,619.48
Simple	2"	8	\$ 52,829.46	\$ 68,191.17
Compound	2"	8	\$ 52,829.46	\$ 68,191.17
Turbine	2"	10	\$ 66,036.83	\$ 85,238.96
Compound	3"	16	\$ 105,658.93	\$ 136,382.34
Turbine	3"	24	\$ 158,488.39	\$ 204,573.51
Compound	4"	25	\$ 165,092.07	\$ 213,097.41
Turbine	4"	42	\$ 277,354.68	\$ 358,003.64
Compound	6"	50	\$ 330,184.14	\$ 426,194.82
Turbine	6"	92	\$ 607,538.82	\$ 784,198.46
Compound	8"	80	\$ 528,294.63	\$ 681,911.70
Turbine	8"	160	\$1,056,589.26	\$ 1,363,823.41

Roadway Impact Fees. A fee shall be charged against new development in the City limits within the respective roadway service areas defined in Exhibit "A". The maximum assessable roadway impact fee per service unit for each service area and the roadway impact fee collection rate per service unit for each service area are as follows:

Service Area	Maximum Assessable Roadway Impact Fee Per Service Unit	Roadway Impact Fee Collection Rate Per Service Unit
1	\$2,935	\$1,467.50
2	\$2,265	\$1,132.50

The public hearing was closed at 7:45 p.m.

Motion was made by Cherry Bryant and seconded by Beverly Short to approve Ordinance 2023-0018.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #14

HOLD A PUBLIC HEARING, THEN CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0019 REGARDING THE APPLICATION OF SHABANA MALICK WITH SUPERIOR GROCERS, INC. FOR APPROVAL OF A SPECIFIC USE PERMIT IN THE GENERAL COMMERCIAL (C-2) DISTRICT FOR TRUCK PARKING USE ON 1.1 ACRES KNOWN AS LOT 2, BLOCK 1 OF THE GANDHI ADDITION, ADDRESSED AT 1163 W. HWY 67 (AND IN THE 600 BLOCK OF N. PARKWAY DRIVE). (LAQUINTA PARKING LOT)

Mayor Wheat opened the public hearing at 7:46 p.m.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Interstate Business, which generally includes big box retail and lifestyle shopping centers. This type of development is targeted to increase the non-residential tax revenue for the City and attract residents and visitors. The requested use will not increase tax revenue and is not consistent with the Comprehensive Plan.

On October 17, 2011, by a vote of 6-0, the Alvarado City Council approved Ordinance No. 2011-040, which granted a specific use permit (SUP) for *truck parking* with a five-year expiration. The City notified the current owner of this expiration, and the current owner now request renewal of the previously approved SUP.

On August 8, 2023, the Planning and Zoning Commission recommended disapproval of the SUP for truck parking by a vote of 3-0. During the City Council meeting the property owners told Council that they are planning to use that property for a different use in the future but would like to be able to continue using it for truck parking in the meantime. They stated that they will continue to maintain the property.

The public hearing was closed at 7:56 p.m.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve a three (3) year extension for the specific use permit for 1.1 acres known as Lot 2, Block 1 of the Gandhi Addition, addressed at 1163 W. Hwy 67, LaQuinta Parking Lot.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #15

CONSIDERATION AND ACTION TO AWARD THE BID FOR THE ADMINISTRATION BUILDING PROJECT LOCATED AT 107 E. COLLEGE AVE. ALVARADO, TEXAS AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE WORK.

In 2020, the City of Alvarado acquired 107 E. College Street (Administration Building), to address the City's need for additional office space. For the past few years, the building has been vacant, with one exception of temporarily housing the public library in 2021. Since the Administration Building sat vacant, the interior sustained significant water damage due to roof leaks. Damages included environmental issues (asbestos and mold) and other interior issues (peeling paint, bowed and stains ceiling tiles and warped flooring). In an effort to prevent further damage to both the building's interior and exterior, the roof was replaced in February 2023; and asbestos abatement & mold remediation were completed in June 2023, allowing for building renovations.

For the renovation phase of the Administration Building project, staff advertised Request for Proposals in early August, with a due date of August 17th to submit proposals. The City received proposals from three (3) construction firms to provide the following scope of work:

- Flooring throughout (thin set, float, and level ceramic, and/or laminate);
- Baseboards throughout the entire Administration Building (all connections on 45-degree cuts);
- Replace wall sheet rock in impacted areas (tape float, and texture);
- Painting (trim, baseboards, walls, caulking and sealing all);
- Six new office solid core interior doors with half glass inserts and keyed locks;
- Installation of window treatment for two front windows (roll down shades);
- Two new solid core interior doors with full glass inserts and keyed locks (for conference room and entry to back space);
- Three solid core interior doors for mechanical room and both restrooms (lockable from inside both restrooms and keyed lock for mechanical room);
- Installation of one tankless water heater to service both restrooms and kitchenette,
- Add kitchenette (sink, cabinets, and countertops) with drain line to main line, repair concrete;
- Install GFI plugs in compliance with code in the kitchenette area and both restrooms;

- Reconfigure larger restroom for ADA compliance (i.e., wall hanging sink, railings, hanging paper towel dispensers, etc.);
- Relocate toilet plumbing for both restrooms and repair all concrete;
- Add commercial standard wall hanging sink and toilet in smaller restroom;
- Cut concrete; and
- Replace cast iron pipe to main line with PVC and repair concrete;
- Clean all debris from jobsite.

All three (3) proposals were evaluated and scored by a selection committee that consisted of Ben Moore, Assistant Police Chief, Doug Ballard, Building Official, and the Assistant to the City Manager. Loftin Construction came out as the top ranked construction firm after tabulating all the scoring and found to be most suited to provide general construction services & plumbing services for the project. Also, verification references for Loftin Construction on their past performance for other clients' projects were positive.

The fee for general construction & plumbing services is \$88,425. 00.

Staff recommends City Council award the general construction and plumbing services contract, to Loftin Construction, for the renovation project at 107 E. College Street, Alvarado, Texas (Administration Building).

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the bid from Loftin Construction in the amount of \$88,425.00 for the renovations at 107 College Ave.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #16

CONSIDERATION AND ACTION TO APPROVE PURCHASE OF GUN RANGE BUILDING.

The police department is looking to upgrade the property at the Alvarado Gun Range by adding a classroom type modular building. The building will be purchased using funds received from ICE for the use of the gun range.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the purchase of a building for the Alvarado Police Department Gun Range.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #17

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0023 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF ALVARADO LIMITED TAX

NOTE, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT. (COX)

This ordinance authorizes the issuance of a Limited Tax Note, Series 2023, to be used to fund wastewater system improvements.

Motion was made by Lydia Moon and seconded by Scott Arthur to approve the ordinance authorizing the issuance of the limited tax note.

This motion supported 5 votes in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #18

CONSIDER, DISCUSS AND TAKE A ROLL CALL VOTE TO PROPOSE AN AD VALOREM TAX RATE \$0.811895 PER \$100 VALUATION; SET A PUBLIC HEARING FOR MONDAY, SEPTEMBER 18, 2023 TO RECEIVE COMMENTS CONCERNING SAID PROPOSED CITY OF ALVARADO 2023 TAX RATE; AND SET THE TIME, DATE AND PLACE OF THE MEETING AT WHICH THE CITY COUNCIL WILL VOTE ON SAID PROPOSED TAX RATE OF \$0.811895 PER \$100 VALUATION AS MONDAY, SEPTEMBER 18, 2023 AT 6:30 P.M., IN THE COUNCIL CHAMBERS LOCATED AT 104 W. COLLEGE AVENUE, ALVARADO, TEXAS, AND FURTHER AUTHORIZING THE REQUIRED PUBLIC NOTICES.

Motion was made by Lydia Moon and seconded by Beverly Short to approve an ad valorem tax rate of \$0.811895 per \$100 valuation, set a public hearing for Monday, September 18, 2023 to receive comments concerning said proposed city of Alvarado 2023 tax rate; and set the time, date, and place of the meeting at which the City Council will vote on said proposed tax rate of \$0.811895 per \$100 valuation as Monday, September 18, 2023 at 6:30 P.M. in Council Chambers located at 104 W. College Ave, Alvarado, Texas.

A roll call vote was taken with the following votes:

Scott Arthur	For
Cherry Bryant	For
Beverly Short	For
Michael Bennett	Absent
Lydia Moon	For
Kevin Thomas	For

Motion carried.

Mayor Wheat announced an Executive Session at 8:25 p.m.

EXECUTIVE SESSION: Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene in executive session to deliberate regarding the following matters: 1. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the following items: A. Any item listed on the agenda. B. Infrastructure update-Lone Oak Development. 2. §551.074 Personnel Matters. The City Council may convene in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees: A. City Manager Evaluation.

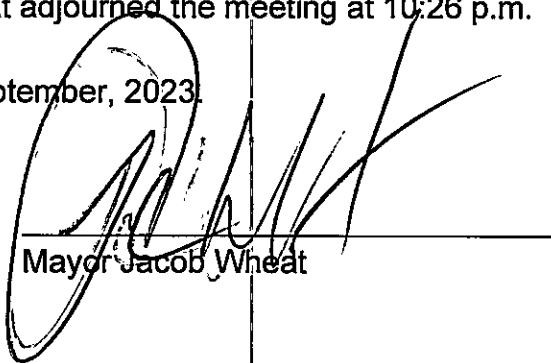
Council Reconvened into open session at 10:24

Motion was made by Scott Arthur and seconded by Cherry Bryant to approve the amendment to the City Manager's contract as discussed in executive session.

This motion supported votes 4 in approval and 1 vote opposed. Motion carried.

There being no further business, Mayor Wheat adjourned the meeting at 10:26 p.m.

Passed and approved this the 18th day of September, 2023.



Mayor Jacob Wheat

Respectfully Submitted,



Beth A Walls, City Secretary/HRD