

**SPECIAL MEETING OF THE
CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
FEBRUARY 12, 2024
6:30 PM**

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, February 12, 2024, at 6:30 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER - Roll Call - Council determines excused/unexcused absence of members.

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT:

This is an opportunity for citizens to address the convened board of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. Any response from a member of the convened Board to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

INTRODUCTION OF NEW EMPLOYEES

CONSENT AGENDA:

NEW BUSINESS:

1. Consideration and action to approve Ordinance 2024-0002, calling a Special Election for the purpose of approving the City of Alvarado's Street Maintenance Sales Tax. (Walls)

EXECUTIVE SESSION:

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.

COUNCIL COMMENTS:

Pursuant to LGC Section 551.0415, City Council Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest may

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include, but not necessarily limited to any of the following:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

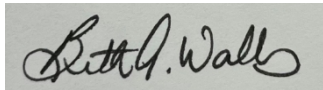
ACCESSIBILITY STATEMENT

The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail: wallsb@cityofalvarado.org Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

I, the undersigned authority, do hereby certify that the above Agenda was posted on the bulletin board in the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the public at all times, and said Agenda was posted on February 9, 2024, at 6:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Beth A Walls, TRMC, IPMA-SCP, CPM
City SecretaryHRD

CITY OF ALVARADO

ORDINANCE NO. 2024-0002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS CALLING A SPECIAL ELECTION ON MAY 4, 2024 TO DETERMINE WHETHER THE CITIZENS DESIRE TO REAUTHORIZE THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-QUARTER OF ONE PERCENT (0.25%) TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING FOR ELECTION PROCEDURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a home-rule municipality located in Johnson County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, pursuant to the Texas Tax Code, V.T.C.A., Chapter 327.001 et. seq. (the “Act”), the City adopted a one-quarter of one percent (0.25%) sales and use tax to provide for street maintenance; and

WHEREAS, the Act provides that the sales and use tax for street maintenance expires after four (4) years unless it is reauthorized at an election; and

WHEREAS, the Act provides that the City Council may call an election to reauthorize a previously adopted sales and use tax to provide for street maintenance by adopting an ordinance; and

WHEREAS, the City Council hereby finds and determines that holding the special election on the reauthorization of the street maintenance tax on May 4, 2024, a uniform election date, is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF ALVARADO, TEXAS:

**SECTION 1.
SPECIAL ELECTION CALLED**

The statements made in the foregoing preamble being true and correct and being adopted hereby as findings of fact, a special election shall be held in and throughout the City of Alvarado, on Saturday, May 4, 2024, such date being a uniform election date as defined in Section 41.001 of the *Texas Election Code* (the “Code”), as amended, to submit to the voters the ballot proposition listed below.

SECTION 2.

BALLOT

The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote “FOR” or “AGAINST” the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such proposition to be expressed substantially as follows:

“PROPOSITION

THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF ALVARADO AT THE RATE OF ONE-QUARTER OF ONE PERCENT (0.25%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.”

The ballots used for the election shall comply with the Code. The official ballots, together with such other election materials as are required by the Code, as amended, shall contain such provisions, markings, and language as required by law.

SECTION 3. CONDUCT OF ELECTION

The election judges, alternate judges, and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Code and the law governing the holding of elections by municipalities of the State of Texas.

The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct the Special Election, in accordance with this ordinance. Paper ballots shall be used for early voting in person, by mail, and for voting on election day. The ES&S AutoMARK Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and for voting by personal appearance on election day. The City Council hereby adopts for use in early voting and on election day voting the ES&S AutoMARK Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. The ES&S AutoMARK is being leased from Johnson County . All expenditures necessary for the conduct of this election, the purchase of materials therefore, and the employment of all election officials is hereby authorized, and shall be conducted in accordance with the Code.

SECTION 4. ELECTION POLLING PLACE

The election polling places for early voting shall be at the Alvarado Senior Center, 301 West College, Alvarado, Texas 76009.

The election polling place for the special election shall be the Alvarado Senior Center, 301 West College, Alvarado, Texas 76009. The polls shall be open from 7:00 a.m. until 7:00 p.m. on May

4, 2024, in accordance with and pursuant to the requirements of the Code. Any polling place may be changed in compliance with state and federal law.

SECTION 5. APPOINTMENT OF ELECTION JUDGE AND CLERKS

Qualified individuals shall be appointed to serve as presiding Election Judge and Alternate Presiding Judge for this election pursuant to the Code.

The City Secretary shall, in accordance with Section 32.009 of the Code, deliver to the Presiding Election Judge and the Alternate Presiding Judges notice of their appointments not later than twenty (20) days from the effective date of the appointment.

The Presiding Election Judge for the polling place shall appoint Election Clerks and as many additional Clerks as are necessary for the proper conduct of the election. Provided, however, three (3) clerks shall be the maximum number of Clerks which may be appointed to serve at the polling place. The Judge shall make a reasonable effort to appoint at least one (1) bilingual election clerk.

SECTION 6. EARLY VOTING

The Deputy City Secretary, City of Alvarado, 104 West College, Alvarado, Texas, 76009, is hereby designated as the Early Voting Clerk and she may appoint the necessary deputy clerks as required for early voting. Early voting by personal appearance shall be conducted between the hours of 8:00 a.m. until 5:00 p.m. on each day which is not a Saturday or Sunday, or an official State or Federal Holiday, beginning on April 22, 2024 and continuing through April 30, 2024, Early Voting by personal appearance shall be at the Alvarado Senior Center, 301 West College, Alvarado, Texas, 76009. Applications for early voting by mail shall be delivered in person or by mail to the City Secretary at 104 West College, Alvarado, Texas, 76009, not earlier than Monday, January 1, 2024, and not later than the close of business on Tuesday, April 23, 2024.

SECTION 7. CITY SECRETARY

The City Secretary (the “City Clerk”) or designee is instructed to aid the Election Officer in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Service Contract. The City Clerk will serve as Regular Early Voting Clerk for the City to receive requests for applications for early voting ballots and forward those applications to the Joint Early Voting Clerk. The City Clerk is further authorized to give or cause to be given notices required for the election, and to take such other and further actions as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Service Contract, the Election Officer shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Service Contract. The Election Officer shall give the notices required by the *Texas Election*

Code to be given for the election not required to be given by the City under the Election Services Contract.

SECTION 8. GENERAL

The election shall be held in accordance with the Constitution of the State of Texas, and the Code, and the Charter of the City of Alvarado. All resident qualified voters of the City shall be eligible to vote at this election.

SECTION 9. NOTICE OF ELECTION

Notice of the election shall be given as required by Chapter 4 of the Code, and the Charter of the City of Alvarado.

SECTION 10. ORDER AND NOTIFICATION

This Ordinance shall serve as the order of special election as required by Section 3.001 of the *Texas Election Code*. The City Secretary is directed to immediately give notice of the election to the Texas Comptroller of Public Accounts, by delivering to the same a copy of this Ordinance.

SECTION 11. NECESSARY ACTIONS

The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 12. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this order are severable, and if any phrase, clause, sentence, paragraph, or section of this order shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this order of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 13. EFFECTIVE DATE

This Ordinance shall be effective upon its adoption, and it is so ordained.

PASSED AND APPROVED ON THIS 12th DAY OF FEBRUARY, 2024.

JACOB WHEAT, MAYOR

ATTEST:

BETH A WALLS
CITY SECRETARY