

**CITY OF ALVARADO**

**County of Johnson**

**State of Texas**

**February 18, 2013**

**MINUTES**

The City Council of the City of Alvarado met in Regular Session on Monday, February 18, 2013 at 6:30 p.m. in the Council Chambers at City Hall with up to the first thirty minutes of the meeting consisting of a workshop. The following were present for roll call:

Dewayne Richters	*	Mayor
Joe Sain	*	Mayor Pro Tem
Tom Moore	*	Councilperson
David Bayless	*	Councilperson
Arrdeen Vaughan	*	Councilperson
Shawn Goulding	*	Councilperson
Jacob Wheat	*	Councilperson

**Others Present:**

Clint Davis	*	City Manager
Debbie Thomas	*	City Secretary
Kelle Whitfill	*	Finance Director
Terry Hafer	*	Public Works Director
Richard VanWinkle	*	Fire Chief
Brad Anderson	*	Chief of Police

**INVOCATION**

Mayor Dewayne Richters called this regular meeting to order at 7:08 P.M. and Councilperson Jacob Wheat gave the invocation.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Jackie Wygant addressed the council in reference to the truck traffic on Cummings Drive and would like to know if the city is going to overlay Cummings with pavement.

**CONSENT AGENDA**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Shawn Goulding, to approve the Consent Agenda. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE APPROVAL OF THE FINANCIAL AUDIT FOR THE FISCAL YEAR 2011-2012.**

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain, to approve the financial audit for the fiscal year 2011-2012. This motion supported six votes of approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ECONOMIC DEVELOPMENT GRANT FROM ZABLINK (SHELL TRAVEL CENTER) FOR ASSISTANCE IN RENOVATIONS TO PROPERTY LOCATED AT 1203 SOUTH PARKWAY.**

Clint Davis, City Manager explained to the council that the Alvarado Economic Development Board Type B approved a grant in the amount of \$24,055.86 to Zablink. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Joe Sain to approve a grant in the amount of \$24,055.86 to Zablink (Shell Travel Center) for assistance in renovations to property located at 1203 South Parkway. This motion supported six votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING ANNEXATION OF 18.759 ACRE TRACT OF LAND OUT OF THE JOHN DIXON SURVEY, ABSTRACT 214, TRACT 1, LOCATED ON PERCIFIELD TRAIL, JOHNSON COUNTY, TEXAS, 4.685 ACRE TRACT OF LAND OUT OF THE JOHN MULLICAN SURVEY, ABSTRACT NO. 584, TRACT 9, JOHNSON COUNTY, TEXAS, AND 48.658 ACRE TRACT OF LAND OUT OF THE JOHN MULLICAN SURVEY, ABSTRACT NO. 584, AND ALONG A SOUTHEASTERLY LINE OF COUNTY ROAD NO. 604, JOHNSON COUNTY, TEXAS.**

Mayor Dewayne Richters opened the Public Hearing at 7:20 p.m. He then closed the public hearing at 7:21 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve an ordinance annexing 18.759 acre tract of land out of the John Dixon Survey, Abstract No. 214, Tract 1, located on Percifield Trail, Johnson County, Texas, a 4.685 acre tract of land out of the John Mullican Survey, Abstract No. 584, Tract 9, Johnson County, Texas, and 48.658 acre tract of land out of the John Mullican Survey, Abstract No. 584, and along a southeasterly line of County Road No. 604, Johnson County, Texas. This motion supported six votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING 32.2 ACRES, DESCRIBED AS TRACT 13, ABSTRACT 516, OUT OF THE HIRAM LEWIS SURVEY, ALVARADO, JOHNSON COUNTY, TEXAS, FROM AN "A" (AGRICULTURE) ZONING DISTRICT TO AN "MF" (MULTI-FAMILY) ZONING DISTRICT.**

Mayor Dewayne Richters opened this Public Hearing at 7:22 p.m. Mr. Brian Scott, owner of the property addressed the council and stated that he would like to build upscale apartments on this property. Mayor Dewayne Richters then closed this public hearing at 7:32 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Joe Sain, to approve an ordinance rezoning 32.2 acres, described as Tract 13, Abstract 516, out of the Hiram Lewis Survey, Alvarado, Johnson County, Texas, from an "A" (Agriculture) zoning district to an "MF" (Multi-Family) zoning district. This motion supported six votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING REZONING BLOCK 1, LOTS 1 THROUGH 47, BLOCK 2, LOTS 1 THROUGH 47, BLOCK 3, LOTS 1 THROUGH 51, AND BLOCK 4, LOTS 1 THROUGH 36, AND TRACT 6, ABSTRACT 625 OUT OF THE G. S. MCINTOSH SURVEY, ALVARADO, JOHNSON COUNTY, TEXAS, FROM AN "MH-2" (MANUFACTURED HOME SUBDIVISION) TO AN "MH-3" (MANUFACTURED HOME SUBDIVISION) ZONING DISTRICT.**

Mayor Dewayne Richters opened this Public Hearing at 7:36 p.m. Clint Davis, City Manager, explained to the council that this zoning change would allow newer and larger mobile homes brought in since they would be able to meet the city's setback requirements. Mayor Dewayne Richters closed this public hearing at 7:40 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve an ordinance rezoning Block 1, Lots 1 through 47, Block 2, Lots 1 through 47, Block 3, Lots 1 through 51, and Block 4, Lots 1 through 36, and Tract 6, Abstract 625, out of the G. S. McIntosh Survey from an "MH-2" (Manufactured Home Subdivision) to an "MH-3" (Manufactured Home Subdivision) zoning district. This motion supported six votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING REZONING 10.61 ACRES, DESCRIBED AS ABSTRACT NO. 48 OUT THE WM. BALCH SURVEY, AND ABSTRACT NO. 214 OUT OF THE JOHN DIXON SURVEY, ALVARADO, JOHNSON COUNTY, TEXAS, FROM AN "A" (AGRICULTURE) TO A "C-2" (GENERAL COMMERCIAL) ZONING DISTRICT.**

Mayor Dewayne Richters opened this public hearing at 7:41 p.m. Clint Davis, City Manager explained to the council that this zoning change would allow commercial development on this piece of property. Mayor Dewayne Richters closed this public hearing at 7:42 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Joe Sain, to approve an ordinance rezoning 10.61 acres described as Abstract No. 48 out of the Wm. Balch Survey, and Abstract No. 214 out of the John Dixon Survey, Alvarado, Johnson County, Texas, from an "A" (Agriculture) zoning district to a "C-2" (General Commercial) Zoning District. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING FINAL PLAT OF .05 ACRES OUT OF THE JOHN DIXON SURVEY, ABSTRACT NO. 214, LOCATED ON THE I-35 ACCESS ROAD.**

Motion was made by Councilperson Shawn Goulding, duly seconded by Mayor Pro Tem Joe Sain, to approve the final plat of .05 acres out of the John Dixon Survey, Abstract No. 214, located on the I-35 access road. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE AWARD OF BID FOR THE REHABILITATION AND CONSTRUCTION OF ATCHLEY, PRESTON, AND QUAIL HAVEN STREETS.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to award the bid for the reconstruction of Atchley, Preston and Quail Haven Streets to J & K Excavation in the amount of \$274, 872.81. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE AWARD OF BID FOR THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS APPROXIMATELY 2 ACRES OUT OF THE 7.141 ACRE TRACT OF THE G. S. MCINTOSH SURVEY, ABSTRACT NO. 625, LOCATED AT THE INTERSECTION OF EAST U. S. HIGHWAY 67 AND BURNETT BLVD.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to award the bid for the sale of certain real property described as approximately 2 acres out of the 7.141 acre tract of the G. S. McIntosh Survey, Abstract No. 625 at a price of \$25,000.00 per acre and the stipulation that the property cannot be sold except as a completed parcel with the current abutting property owner and the city retains all mineral rights. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING CHAPTER 28, PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS, ARTICLE I "IN GENERAL" AND ARTICLE II, "PERMIT"; BY PROVIDING DEFINITIONS, ROQUIRING A PERMIT IN ORDER TO PERFORM CERTAIN SOLICITATION ACTIVITIES IN THE CITY; PROVIDING THE PROCEDURES TO BE FOLLOWED IN MUNICIPAL COURT FOR HEARINGS TO REVOKE A PERMIT.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve an ordinance amending Chapter 28, Peddlers, Solicitors, and Itinerant Merchants and to keep current fees as established in the City of Alvarado Fee Schedule. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDIDNG ORDINANCES ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, CHAPTER 545, SECTION 545.356, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF; WITHIN THE CORPORATION LIMITS OF THE CITY OF ALVARADO AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR VIOLATION OF THESE ORDINANCES; ORDINANCE NUMBERS 2013-008 THROUGH 2013-014.**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Tom Moore, to approve Ordinance Nos. 2013-008 through 2013-014 establishing the prima facie speed limits upon certain streets and highways or parts thereof. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ACCEPTANCE OF A PETITION FROM THE REGISTERED VOTERS OF THE CITY OF ALVARADO CALLING FOR A LOCAL OPTION LIQUOR ELECTION TO LEGALIZE "THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY" FOR THE MAY 11, 2013 UNIFORM ELECTION DATE.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to accept the petition from the registered voters of the City of Alvarado calling for a local option liquor election to legalize "the legal sale of all alcoholic beverages for off-premise consumption only" for the May 11, 2013 election. This motion supported six votes in approval and zero vote opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALVARADO; CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 11, 2013 REGARDING THE FOLLOWING ISSUE: TO LEGALIZE "THE LEGAL SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY"; ESTABLISHING PROCEDURES FOR EARLY VOTING, AUTHORIZING THE CITY SECRETARY TO MAKE SUBMISSION TO THE UNITED STATES JUSTICE DEPARTMENT FOR PRE-CLEARANCE APPROVAL; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION.**

Motion was made by Councilperson Shawn Goulding, duly seconded by Mayor Pro Tem Joe Sain, to approve a resolution calling for a special election to be held on May 11, 2013 regarding the issue of legalizing "the legal sale of alcoholic beverages for off-premise consumption only". This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE APPLICATION AND AWARD OF THE RHINO LAW LOAN PROGRAM FOR THE USE OF A RHINO LOAN OFF-ROAD VEHICLE BY THE CITY POLICE DEPARTMENT.**

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain, to approve the application and award of the Rhino Law Loan Program for the use of a Rhino loan off-road vehicle for the police department. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ADDITION OF LIGHTS IN THE LIBRARY PARKING LOT.**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Tom Moore, to approve the addition of two lights in the library parking lot. This motion supported six votes in approval and zero votes opposed. Motion carried.

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**CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO TEXAS AMENDING SECTION 14-20 OF THE ALVARADO CODE OF ORDINANCES REGARDING THE PRIVATE MAINTENANCE AND UPKEEP OF PUBLIC RIGHT-OF-WAYS.**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Shawn Goulding, to approve an ordinance amending Section 14-20 of the Alvarado Code or Ordinances regarding the private maintenance and upkeep of public right-of-ways. This motion supported six votes in approval and zero votes opposed. Motion carried.

**EXECUTIVE SESSION**

Mayor Dewayne Richters convened into Executive Session at 7:59 p.m.  
Mayor Dewayne Richters reconvened into open session at 8:38 p.m.

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

No action was taken.

**CITY MANAGER'S REPORT**

Brad Anderson, Chief of Police, addressed the council in reference to the discussion with Alvarado Independent School District for the placement of a police officer on school campuses. He also explained to the council that the police department had traded all confiscated rifles and guns for new guns that the police department would own and issue to each officer. The difference in the trade in price and actual price was paid by the Alvarado Police Officers Association.

**COUNCIL COMMENTS**

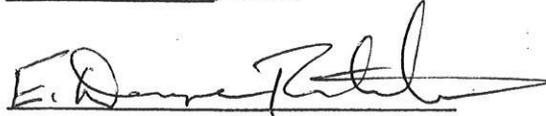
There were no council comments at this meeting.

**ADJOURNMENT**

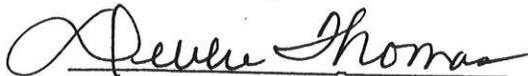
Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore to adjourn this regular meeting of the City Council of the City of Alvarado at 8:54 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

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Passed and approved this the 18<sup>th</sup> day of March, 2013.

  
Mayor Dewayne "Coach" Richters

ATTEST:

  
Debbie Thomas, TRMC  
City Secretary

Mayor Dewayne "Coach" Richters

Debbie Thomas, TRMC