

CITY OF ALVARADO

County of Johnson State of Texas February 21, 2011

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, February 21, 2011 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
Jacob Wheat	*	Councilperson
David Bayless	*	Councilperson
Bruce Clark	*	Councilperson
Arrdeen Vaughan	*	Councilperson

Others Present:

Kelle Whitfill	*	Interim City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney
Terry Hafer	*	Public Works Director
Richard VanWinkle	*	Fire Chief
Sharon Vass	*	Community Development Director
Brad Anderson	*	Police Chief

INVOCATION

Mayor Dewayne Richters called this regular meeting to order at 6:34 P.M. and Councilperson Jacob Wheat gave the Invocation.

PLEDGE OF ALLEGIANCE

PROCLAMATION

Mayor Richters read the proclamation regarding Severe Weather Awareness Week.

PUBLIC COMMENTS

Chris Davis addressed the Council regarding the amount of animals that are allowed at each residence within the city. She stated that she is a cat rescue society and is affiliated with a non-profit society in McKinney. The cats that are rescued are kept in a kennel in her back yard and not inside her home. She is requesting that the council amend the animal control ordinance to allow rescue societies within the city.

PUBLIC HEARING REGARDING CITY OF ALVARADO'S APPLICATION FOR A TEXAS PARKS AND WILDLIFE OUTDOOR RECREATION GRANT FOR A PROJECT INVOLVING PROPOSED PARK IMPROVEMENTS AT STONEGATE PARK WITH SOME OF THE PLANNED IMPROVEMENTS LOCATED IN A FLOODPLAIN AREA AND WILL HAVE CERTAIN ENVIRONMENTAL IMPACTS ON THE FLOODPLAIN.

Mayor Dewayne Richters opened this public hearing at 6:46 p.m. He then closed this hearing at 6:47 p.m.

PUBLIC HEARING REGARDING REVISION OF ORDINANCES IN CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE DIVISION 7A.MH-3 – MANUFACTURING HOME SUBDIVISION DISTRICT (WITH HIGHER DENSITY)

Mayor Dewayne Richters opened this public hearing at 6:48 p.m. Sharon Vass, Community Development, explained to the Council that the creation of this district is to allow smaller setbacks to some lots located in the Alvarado Hills Mobile Home Park. This would allow newer and bigger mobile homes in this park. This public hearing was closed at 6:49 p.m.

PUBLIC HEARING REGARDING REZONING OF BLOCK 3, LOTS 6B-44, OF THE ALVARADO HILLS ADDITION FROM A SF-2 (SINGLE FAMILY) ZONE TO A MH-3 (MANUFACTURED HOME SUBDIVISION WITH LESS RESTRICTIVE SETBACK REQUIREMENTS)

Mayor Dewayne Richters opened this public hearing at 6:49 p.m. Sharon Vass, Community Development explained to the Council that this would allow smaller setbacks to these lots so that newer and larger mobile homes could be placed on these lots. This public hearing was closed at 6:50 p.m.

PUBLIC HEARING REGARDING REZONING OF ALL OF BLOCKS 1, 2, 4 AND BLOCK 3, LOTS 1-6A AND 45-5, AND THE TRACT OF LAND THAT IS NORTH OF TANGLEWOOD STREET AND SOUTH OF THE CITY LIMIT LINE OF THE ALVARADO HILLS ADDITION FROM A SF-2 (SINGLE FAMILY) ZONE TO A MH-2 (MANUFACTURED HOME SUBDIVISION).

Mayor Dewayne Richters opened this public hearing at 6:50 p.m. Sharon Vass, Community Development, stated that this would put the rest of the Alvarado Hills Mobile home park into a manufactured home subdivision instead of a single family zone. This public hearing was closed at 6:51 p.m.

PUBLIC HEARING REGARDING AN APPLICATION FOR A GAS WELL PERMIT TO DRILL, COMPLETE AND OPERATE A WELL FOR GAS INCLUDING AN APPLICATION FOR A REQUEST FOR A REDUCTION TO THE SETBACK FROM PROTECTED USES UPON PROPERTY LOCATED AT 600 S. PARKWAY DRIVE, JOHNSON COUNTY, ALVARADO, TEXAS.

Mayor Dewayne Richters opened this public hearing at 6:51 p.m. Sharon Vass, Community Development, stated that Chesapeake Energy had made application for this well. Justin from Chesapeake Energy stated the setback from the well to any residence is 501 feet and from the City of Alvarado Public Works Building is 378 feet and that a request for a reduction to the setback is within their application. He also stated that a 32 foot sound barrier will be placed around the well. Half and Associates has completed a floodplain study since this well is located in a floodplain. The results of the study stated that this well will only raise the floodplain approximately 3 inches which is in within FEMA guidelines.

Mr. Alvin Leonard, 411 Watson Street, addressed the Council to protest this well. He stated that TXDOT has a culvert which goes under I-35W and is consistently stopped up. He also stated that debris flows down the creek and also stops up the drainage. Due to these problems, he feels that this well pad will cause his property to be flooded. He requested that the council either postpone or deny this permit due to the flood issues at his home.

This public hearing was closed at 7:33 p.m.

PUBLIC HEARING REQUESTING A VARIANCE FROM CHAPTER 30, "SIGNS" OF THE CITY OF ALVARADO CODE OF ORDINANCES PERTAINING TO THE NUMBER OF POLE SIGNS ON TRACT 9A, 9B OF THE J. MULLICAN SURVEY, ABSTRACT 584 LOCATED AT 5411 S. I-35W.

Mayor Dewayne Richters opened this public hearing at 7:34 p.m. Sharon Vass, Community Development, explained to the council that Motor Home Specialists would like to place six 18 foot signs advertising the recreational vehicle brands that they sale. These signs would be under the carports that have been built and would fact towards I-35W. This public hearing was closed at 7:35 p.m.

PUBLIC HEARING REGARDING A REQUEST FOR ANNEXATION FROM WORNAT-DUBLIN, LTD, FOR THE PROPERTY LOCATED AT LOT 1, BLOCK A, WORNAT ADDITION, JOHNSON COUNTY, TEXAS, ALSO KNOWN AS 5601 E. HIGHWAY 67, ALVARADO, TEXAS. (STONEYS MARKET)

Mayor Dewayne Richters opened this public hearing at 7:36 p.m. Kelle Whitfill, Acting City Manager explained to the council that this is the first of two public hearings that are required for annexation. This public hearing was closed at 7:37 p.m.

CONSENT AGENDA

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

CONSIDERATION AND ACTION REGARDING AN ORDINANCE 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 CORPORATE LIMITS OF THE CITY OF ALVARADO AS SET OUT IN THE ORDINANCE AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR VIOLATION OF THIS ORDINANCE.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to approve an ordinance altering the prima facie speed limits established for vehicles under the provision of the Transportation Code, Chapter 545, Section 545.356. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A RESOLUTION DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE CITY OF ALVARADO IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE STONEGATE PARK GRANT PROGRAM, CERTIFYING THAT THE CITY IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE CITIES MATCHING SHARE IS READILY AVAILABLE AND DEDICATING THE PROPOSED SITE FOR A PERMANENT PUBLIC PARK.

Motion was made by Councilperson Jacob Wheat, duly seconded by Councilperson David Bayless to approve a resolution designating certain officials as being responsible for, acting for, and on behalf of the City of Alvarado in dealing with the Texas Parks and Wildlife Department for the purpose of participating in the Stonegate Park Grant Program. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF ALVARADO PERSONNEL POLICY REGARDING CITY VEHICLES.

Motion was made by Councilperson Tom Moore, duly seconded Councilperson David Bayless, to approve a resolution adopting amendments to the personnel policy regarding take home city vehicles. This motion supported 6 votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING REVISION OF ORDINANCE IN CHAPTER 42 OF THE CODE OF ORDINANCES TO CREATE DIVISION 7A. MH-3 – MANUFACTURED HOME SUBDIVISION DISTRICT (WITH HIGHER DENSITY).

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to approve the ordinance revising Chapter 42 in the Code of Ordinances to create Division 7A. MH-3 – Manufactured Home Subdivision District (with higher density). This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING REZONING OF BLOCK 3, LOT 6B-44, OF THE ALVARADO HILLS ADDITION FROM A SF-2 (SINGLE FAMILY) ZONE TO A MH-3 (MANUFACTURED HOME SUBDIVISION DISTRICT WITH LESS RESTRICTIVE SETBACK REQUIREMENTS).

Motion was made by Councilperson Bruce Clark, duly seconded by Councilperson Tom Moore to approve an ordinance rezoning Block 3, Lots 6B-44, of the Alvarado Hills Addition from a SF-2 (Single Family) Zone to a MH-3 (Manufactured Home Subdivision district). This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE REZONING BLOCKS 1,2,4 AND BLOCK 3, LOTS 1-6A AND 45-5, AND THE TRACT OF LAND THAT IS NORTH OF TANGLEWOOD STREET AND SOUTH OF THE CITY LIMIT LINE OF THE ALVARADO HILLS ADDITION FROM A SF-2 (SINGLE FAMILY) ZONE TO A MH-2 (MANUFACTURED HOME SUBDIVISION).

Motion was made by Councilperson Bruce Clark, duly seconded by Mayor Pro Tem Joe Sain, to approve an ordinance rezoning Blocks 1,2,4 and Block 3, Lots1-6A and 45-5, and the tract of land that is north of Tanglewood Street and south of the city limit line of the Alvarado Hills Addition from a SF-2 (Single Family) zone to a MH-2 (Manufactured Home Subidivision). This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN APPLICATION FOR A GAS WELL PERMIT TO DRILL, COMPLETE AND OPERATE A WELL FOR GAS INCLUDING AN APPLICATION FOR A REQUEST FOR A REDUCTION TO THE SETBACK FROM PROTECTED USES UPON PROPERTY LOCATED AT 600 S. PARKWAY DRIVE, JOHNSON COUNTY, ALVARADO, TEXAS. MORE PARTICULARLY SHOWN ON THE MAP OF RECORD IN VOLUME 3632, PAGE 0093, PLAT RECORDS OF JOHNSON COUNTY, TEXAS.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve the application for permit for a gas well from Chesapeake Energy on the conditions that they are in compliance with all federal and state requirements and that security and insurance documents be used to protect and repair any property damage limited to the area between the east side of I-35W at the culvert back to the pad with the cities public works building included. This motion supported three votes in approval and one vote opposed (Joe Sain) and two abstentions (Arrdeen Vaughan and Jacob Wheat). Motion carried.

CONSIDERATION AND ACTION REGARDING A PIPELINE RIGHT-OF-WAY CROSSING LICENSE AGREEMENT WITH TEXAS MIDSTREAM GAS, LLC, A SUBSIDIARY OF CHESAPEAKE ENERGY, TO BORE UNDER WATSON STREET FOR A GAS PIPELINE.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to approve the pipeline right-of-way crossing license agreement with Texas Midstream Gas, LLC, a subsidiary of Chesapeake Energy, to bore under Watson Street for a gas pipeline. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING REQUEST FOR A VARIANCE FROM CHAPTER 30, ENTITLED "SIGNS" OF THE CITY OF ALVARADO CODE OR ORDINANCES PERTAINING TO THE NUMBER OF POLE SIGNS ON TRACT 9A, 9B OF THE J. MULLICAN SURVEY, ABSTRACT 584 LOCATED AT 5411 S. I-35W.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve a request for a variance from Chapter 30, entitled "Signs" of the City of Alvarado Code or Ordinances pertaining to the number of pole signs on Tract 9A, 9B, of the J. Mullican Survey, Abstract 584 located at 5411 S. I-35W. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPROVAL OF AN ORDINANCE CLOSING, ABANDONING, AND QUIT CLAIMING PROPERTY

DESCRIBED AS A PORTION OF S. BILL JACKSON BETWEEN TRACT 12 OF THE IRA GLAZE SURVEY, ABSTRACT 313 AND TRACT 14 OF THE IRA GLAZE SURVEY, ABSTRACT 313, ALVARADO, JOHNSON COUNTY, TEXAS AND AUTHORIZING ITS CONVEYANCE TO THE ALVARADO INDEPENDENT SCHOOL DISTRICT.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Arrdeen Vaughan, to approve an ordinance closing, abandoning and quit claiming property described as a portion of S. Bill Jackson between Tract 12 of the Ira Glaze Survey, Abstract 313 and Tract 14 of the Ira Glaze Survey, Abstract 313, Alvarado, Johnson County, Texas and authorizing its conveyance to the Alvarado Independent School District. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE ADOPTION OF AN ORDINANCE TO AMEND SECTION 42 OF THE ALVARADO CODE OF ORDINANCES, ENTITLED "ZONING" TO PROVIDE MINIMUM CONSTRUCTION AND PARKING REQUIREMENTS.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Arrdeen Vaughan, to approve an ordinance amending Section 42 of the Alvarado Code of Ordinances, entitled "Zoning" to provide minimum construction and parking requirements. This motion supported six votes in approval and zero votes opposed. Motion carried.

EXECUTIVE SESSION

An executive session was not held at this meeting.

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

There was no action taken.

CITY MANAGERS REPORT

Kelle Whitfill, Interim City Manager, informed the council that a second public hearing needs to be held for the annexation process of Stoney's Market. A Special Council Meeting was called for March 14, 2011 to hold a public hearing and discuss the City Manager applicants.

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COUNCIL COMMENTS

There were no council comments at this meeting.

ADJOURNMENT

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Bruce Clark to adjourn this regular meeting of the City Council of the City of Alvarado at 7:56 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

Passed and approved this the _____ day of _____, 2011.

Mayor Dewayne "Coach" Richters

ATTEST:

Debbie Thomas, TRMC
City Secretary