

CITY OF ALVARADO

County of Johnson State of Texas November 21, 2011

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, November 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:

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

Absent:

Dewayne Richters	*	Mayor
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Others Present:

Clint Davis	*	City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney
Terry Hafer	*	Public Works Director
Richard VanWinkle	*	Fire Chief
Brad Anderson	*	Chief of Police

INVOCATION

Mayor Pro Tem Joe Sain called this regular meeting to order at 7:03 P.M. and Jacob Wheat gave the Invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Mr. Dickey addressed the council in reference to the ad valorem property tax.

Mr. Alvin Leonard addressed the council in opposition to the drilling of 5 new wells that Chesapeake Energy wishes to drill. The well sites are 1H thru 4H and 6H being drilled on Parkway.

Charles Pepers complained about the excessive noise surrounding these well sites. He stated that a 32 foot sound barrier was partially put up but not all around the whole well site.

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CONSENT AGENDA

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

DELIBERATION REGARDING THE ZONING CLASSIFICATION AND REGULATION OF CONVENIENCE STORES (GENERAL SERVICE) AND AUTOMOBILE SERVICE STATIONS IN THE CITY.

Clint Davis, City Manager, explained to the council that in certain zoning areas a specific use permit was required to build and operate a new convenience stores. Owners from several of the convenience stores were present to state their concerns to the council if they allowed more stores within our city limits. There was no action taken and council directed staff to conduct a study regarding making it mandatory to issue specific use permits for all convenience stores and gas service stations.

PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING THE REZONING OF BLOCK 14, LOTS 1,2,7A,8A AND 9A OF THE OLD TOWN ADDITION, LOCATED AT 310 N. BAUGH, FROM A N SF-2 (SINGLE FAMILY) ZONE TO AN M-1 (LIGHT MANUFACTURING) ZONE.

Mayor Pro Tem Joe Sain opened the public hearing at 7:34 p.m. Mr. Welborn addressed the council stating that he was planning to build an automotive shop on this property. Richard Van Winkle, Fire Chief, stated that this item had been approved by the Planning and Zoning Commission. Mayor Pro Tem Joe Sain then closed this Public Hearing at 7:36 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve an ordinance rezoning Block 14, Lots 1, 2, 7a, 8a and 9a of the Old Town Addition, located at 310 N. Baugh, from an SF-1 (Single Family) zone to an M-1 (Light Manufacturing) zone. This motion supported six votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING REZONING OF BLOCK 40, LOTS 3 AND 3A OF THE OLD TOWN ADDITION, KNOWN AS 303 AND 307 S. SPARKS, FROM AN SF-2 (SINGLE FAMILY) ZONE TO AN M-1 (LIGHT MANUFACTURING) ZONE.

Councilperson Arrdeen Vaughan excused himself since he is the legal owner of this property. A conflict of interest had already been executed. Mayor Pro Tem Joe Sain opened this Public Hearing at 7:38 p.m. Anna Vaughan Lax addressed the council stating that this property had always been used for commercial purposes for the last forty five years and that there are no city records showing where the

zoning for this property had been changed to residential. Mayor Pro Tem Joe Sain closed this public hearing at 7:42 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve an ordinance rezoning Block 40, Lots 3 and 3a of the Old Town Addition, also known as 303 and 307 S. Sparks from an SF-2 (Single Family) zone to an M-1 (Light Manufacturing) zone. This motion supported five votes in approval and zero votes opposed with one abstention (Arddeen Vaughan). Motion carried.

CONSIDERATION AND ACTION REGARDING A RESOLUTION OF THE CITY OF ALVARADO , TEXAS AFFIRMING THE CASTING OF VOTES IN THE 2012-2013 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve a resolution authorizing 14 votes for Don Beeson and 14 votes for Sid Pruitt. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE ADOPTION OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS RECOMMENDED AMENDMENTS TO THE 2006 INTERNATIONAL FIRE CODE, OPTION B.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Arrdeen Vaughan, to adopt the North Central Texas Council of Governments recommended amendments to the 2006 International Fire Code. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING SECTION 16-97 OF THE ALVARADO CODE OF ORDINANCES, THE 2006 INTERNATIONAL FIRE CODE AND THE REGULATIONS CONCERNING SPRINKLERS IN BUILDINGS.

This item was skipped.

CONSIDERATION AND ACTION REGARDING THE COST ESTIMATE FOR THE SUPPLEMENT TO THE ALVARADO CODE OF ORDINANCES.

Debbie Thomas, City Secretary explained to the Council that the code of ordinances had not been updated in two years. We received a quote from Municode for this update that would bring it current. In the current budget year we budgeted \$2,500.00 for this update. The current quote is \$5,500.00.

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Staff is recommending this \$5,500.00 be paid out of the royalty fund and leave the \$2,500.00 in the current budget to update the code book later this budget year. Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve the \$5,500.00 for the update of the code book out of the gas and royalty fund. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION REGARDING REGARDING THE POSSIBLE SALE OR CONVERSION OF THE CURRENT ANIMAL CONTROL SITE AND POSSIBLE PURCHASE OF A NEW ANIMAL CONTROL BUILDING.

Clint Davis informed the council that Johnson County has requested an environmental study be performed on the animal control site property. When the city purchased the property from the county a waiver was signed by the former mayor stating that the city would be responsible for all environmental issues and cleanup. Before the sale can be finalized an environmental study and cleanup has to be performed. Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve having an environmental study performed on the property with payment to taken out of the gas and royalty funds. This motion supported six votes in approval and zero votes opposed. Motion carried. Clint Davis, City Manager, also explained to the council that the condition of the current animal control building is cost prohibitive to repair and is also uninsurable from our insurance carrier. He has found a mobile structure that would be affordable and would satisfy the needs of the animal control building. After discussion, staff was asked to see what the cost for the addition of masonry to the building would be.

CONSIDERATION AND ACTION REGARIDNG CROSS FENCING AND GATE FOR THE POLICE DEPARTMENT AT THE ANNEX BUIDLING.

Clint Davis, City Manager, addressed the council in reference to the cross fencing and electric gate at the annex building for the police department to have a secured area while unloading and loading prisoners and carports for the police cars. The police department will do all of the labor involved in the installation of the fence and gate. The cost for this project would be \$4,049.00. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve the expenditure of \$4,049.00 for the fence and gate materials to be paid for out of the gas and royalty fund. This motion supported six votes in approval and zero votes opposed. Motion carried.

EXECUTIVE SESSION

Mayor Pro Tem Joe Sain convened into Executive Session at 8:12 p.m.
Mayor Pro Tem Joe Sain reconvened into Open Session at 8:38 p.m.

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CONSIDERATION AND ACTION REGARDING THE GAS WELL DRILLING PERMIT SUBMITTED BY CHESAPEAKE ENERGY FOR FIVE WELLS LOCATED AT 580 S. PARKWAY.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Jacob Wheat to approve the drilling of five wells by Chesapeake Energy located at 580 S. Parkway and to approve the requested setback reduction on the condition that a 32 foot sound barrier be placed around the entire site and stay for the full duration of drilling and fracking. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING REPLACEMENT OF FIRE AND POLICE PERSONNEL.

Richard Van Winkle, Fire Chief, addressed the council regarding the loss of one firefighter and possibly two firefighters. Confirmation was needed by the council as to whether to replace these positions. It was the council's opinion to keep all staffing at the current levels and to replace any lost position within the fire and police departments.

CITY MANAGERS REPORT

Clint Davis, City Manager, explained to the council that the the alcohol referendum had passed at the election held in November. He wanted the council to be aware of upcoming events within the city. On December 1, the annual Parade of Lights and Santaland will be held starting at 6:00 p.m. The city staff Christmas party will be held on December 8, 2011 at 6:00 p.m. at the Senior Center. It will be catered and all council and spouses are invited to attend.

COUNCIL COMMENTS

There were no council comments at this meeting.

ADJOURNMENT

Motion was made by Councilmember David Bayless, duly seconded by Councilperson Tom Moore to adjourn this regular meeting of the City Council of the City of Alvarado at 9:00 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

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

Mayor Dewayne "Coach" Richters

ATTEST:

Debbie Thomas, TRMC
City Secretary