

CITY OF ALVARADO

County of Johnson
State of Texas

June 16, 2008
MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, June 16, 2008 at 6:30 p.m. in the Council Chambers at City Hall. The first thirty minutes of the meeting was a public work session for the staff to brief the Council on Agenda Items. The following were present for roll call:

Tom Durlington	*	Mayor
Dwayne Richters	*	Mayor Pro Tem
Joe Sain	*	Councilperson
Bruce Clark	*	Councilperson
Tom Moore	*	Councilperson
David Bayless	*	Councilperson
Mellie Ferguson	*	Councilperson

Others Present:

Kelle Whitfill	*	Interim City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney

INVOCATION

Mayor Tom Durlington called this regular meeting to order at 7:00 P.M. Mayor Tom Durlington gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC INVITED TO BE HEARD

Ms. Kathleen Gould addressed the Council in reference to the Crime Victims Liaison for the City of Alvarado. She expressed concerns in regards to the city using Johnson County Crime Victims Liaison and believes that crime victims should have a liaison that is in within Alvarado.

CONSENT AGENDA

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

CONSIDERATION AND ACTION REGARDING PROPOSED AGREEMENT WITH ALAMO FIREWORKS TO PERMIT FIREWORKS COMPANIES TO OPERATE WITHIN THE CITY OF ALVARADO'S ETJ OR CITY LIMITS.

Representatives from Alamo Fireworks addressed the Council in reference to permitting fireworks distribution within the City's ETJ and if annexed the city limits. Alamo Fireworks currently has an agreement with many cities including the City of Waxahachie to sell fireworks within their ETJ and city limits. They stated that this would bring an increase in sales tax revenue to the city.

Fire Chief Richard Van Winkle addressed the council and was opposed to this idea. He stated that if the fireworks building were to catch fire, it would be too dangerous to send any of his firefighters in to fight the fire.

Motion was made by Councilperson Joe Sain, duly seconded by Mayor Pro Tem "Coach" Richters to table this item until the next meeting so that more information could be gathered. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING EOG SHORT TERM WATER AGREEMENT WITH THE CITY OF ALVARADO TO MAKE AVAILABLE TO PURCHASER UP TO 250,000 BARRELS OF WATER AT A PRICE OF \$.17 PER BARREL WITH AN ADDITIONAL 100,000 BARRELS AT \$.19 PER BARREL FROM LAKE ALVARADO

Mr. David Burdette from EOG addressed the Council in reference to purchasing water from Lake Alvarado to drill two wells on the north side of the lake. The Council was concerned about the water level in Lake Alvarado especially with the hot summer months still ahead. The engineer from EOG informed the Council that the lake level would only drop .8" to .13", less than an inch using 250,000 barrels of water and that if the lake level dropped 7-1/2 feet that EOG would stop pulling water from the lake. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to accept the agreement with EOG and allow the Mayor to negotiate and execute the final agreement which will establish a benchmark lake level where the agreement is terminated. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ALLOWING ELECTRONIC SIGNS ALONG REGULATED HIGHWAYS WITHIN THE CITY OF ALVARADO AND ITS ETJ.

Kelle Whitfill, Interim City Manager explained to the Council that TXDOT had revised their rules and allowed the placing of electronic signs along regulated highways only with permission from the cities where the signs would be placed. After discussion, motion was made by Councilperson Tom Moore, duly seconded by Councilperson Mellie Ferguson to pass an ordinance similar in wording to the sample ordinance from the City of Aurora, Texas. This motion supported six votes in approval and zero votes opposed.

CONSIDERATION AND ACTION REGARDING ORDINANCE REPEALING SECTION 30.15 OF THE ALVARADO CODE OF ORDINANCES RELATING TO THE CITY MANAGER'S SALARY AND TERMINATION AND ADDING SECTION 36.15 OF THE ALVARADO'S CODE OF ORDINANCES RELATING TO THE CITY MANAGER'S SALARY AND TERMS OF EMPLOYMENT; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem "Coach" Richters, to approve this ordinance repealing Section 30.15 of the Alvarado Code of Ordinances relating to the City Manager's salary and termination and adding section 36.15 of the Alvarado's Code of Ordinances relating to the City Manager's salary and terms of employment; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date. This motion supported five votes in approval and one (D. Bayless) opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AMENDMENT OF PARK ORDINANCE TO ALLOW TWO ALTERNATE MEMBERS TO THE PARK BOARD.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Mellie Ferguson to approve the amendment to the Park Ordinance to allow two alternate members to the Park Board. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING APPROVAL OF NEW AND ALTERNATE MEMBERS FOR THE CITY OF ALVARADO PARK BOARD.

Motion was made by Councilperson Mellie Ferguson, duly seconded by Mayor Pro Tem "Coach" Richters to approve the appointment of Mellie Ferguson and Terry Fulton as new members of the Park Board and Judy Durlington as an alternate member of the Park Board. This motion supported six votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING CHESAPEAKE OIL'S DRILLING PERMITS FOR WELBORN 3H, 4H AND 5H WELLS LOCATED ON 266.579 ACRES, ANDREW SPIVA SURVEY, ABSTRACT 770, TRACTS 20, 21, AND 22, ALSO KNOWN AS E. DAVIS STREET.

Mayor Tom Durlington opened the Public Hearing at 7:33 P.M.

The Public Hearing was closed at 7:34 P.M.

Motion was made by Councilperson Mellie Ferguson, duly seconded by Councilperson David Bayless to approve Chesapeake Oil's drilling permits for Welborn 3H, 4H, and 5H wells located on 266.579 acres, Andrew Spiva Survey, Abstract 770, Tracts 20, 21 and 22, also known as E. Davis Street. This motion supported six votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING REPLATTING OF LOT 1 OF THE PLATO LOCO ADDITION, LOCATED AT 1014 HWY 67 W, TO BE CALLED LOTS 1R1 AND 1R2 OF THE PLATO LOCO ADDITION.

Mayor Tom Durlington opened the Public Hearing at 7:35 P.M. Mr. Joe Ballard from Buffalo Creek Surveying addressed the Council in reference to the replatting of this property. He stated that the City of Alvarado's Fire Marshall had approved the width of the fire lane that would lead into this property.

The Public Hearing was closed at 7:41 P.M. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem "Coach" Richters to approve the replatting of Lot 1 of the Plato Loco Addition, located at 1014 Hwy 67 W, to be called Lots 1R1 and 1R2 of the Plato Loco Addition. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING COMBINATION PLAT OF A PORTION OF TRACT 10 OF THE IRA GLAZE SURVEY, ABSTRACT 313, LOCATED AT 404 W. PATTON, TO BE CALLED BLOCK 1, LOTS 1 AND 2 OF THE CALLAHAN ADDITION.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to approve the combination plat of a portion of Tract 10 of the Ira Glaze Survey, Abstract 313, located at 404 W. Patton, to be called Block 1, Lot 1 and 2 of the Callahan Addition. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE DESIGNATION OF AN INDIVIDUAL TO COORDINATE AMERICANS WITH DISABILITIES ACT COMPLIANCE WITH GOVERNMENT AGENCIES EMPLOYING MORE THAN 50 PERSONS

Motion was made by Councilperson Mellie Ferguson, duly seconded by Councilperson Joe Sain to designate the City Secretary as the individual to coordinate Americans with Disabilities Act Compliance for the City of Alvarado. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING OPTIONAL GARBAGE SERVICE

Kelle Whitfill, Interim City Manager explained to the Council that a request had been made to not be charged for garbage since his business does not use the service and to be reimbursed for the garbage charges in the past which have been paid. She stated that Mr. Shaw is a handicapped person who owns a business on the square and at this time his business does not use the garbage service. Our contract with Allied Waste is based on a per capita basis and the recommendation was made not to allow optional garbage service within the City of Alvarado. Motion was made by Councilperson David Bayless, duly seconded by Councilman Joe Sain not allow optional garbage service within the City of Alvarado. This motion supported six votes in approval and zero votes opposed. Motion carried.

EXECUTIVE SESSION

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

No action was taken.

ADJOURNMENT

Motion was made by Councilperson Mellie Ferguson, duly seconded by Mayor Pro Tem “Coach” Richters to adjourn this regular meeting of the City Council of the City of Alvarado at 7:47 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

Passed and approved this the _____ day of _____, 2008.

Mayor Tom Durlington

ATTEST:

Debbie Thomas, City Secretary

