

CITY OF ALVARADO

County of Johnson  
State of Texas

May 19, 2008  
MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, May 19, 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

Absent:

Mellie Ferguson	*	Councilperson
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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

No one spoke at this meeting.

CONSENT AGENDA

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

**SWEARING IN, OATH OF OFFICE FOR ELECTED OFFICIALS AND ANTI-BRIBERY STATEMENT, ELECTION MAY 10, 2008**

City Secretary Debbie Thomas then swore in Mayor Tom Durlington. Mayor Durlington swore in Councilpersons David Bayless and Dewayne “Coach” Richters. The anti-bribery statements were signed by each newly elected official. Councilperson Mellie Ferguson was not present at this meeting to be sworn in.

**APPOINTMENT OF A MAYOR PRO TEM FOR THE CITY OF ALVARADO CITY COUNCIL**

Motion was made by Councilperson Joe Sain, duly seconded by Councilperson Tom Moore to appoint Dewayne “Coach” Richters as Mayor Pro Tem for the Alvarado City Council. This motion supported five votes in approval and zero votes opposed. Motion carried.

**PROCLAMATION**

Mayor Tom Durlington then read the proclamation for Police Officers Memorial Day – May 14, 2008.

**CONSIDERATION AND ACTION REGARDING WATER USAGE OUT OF LAKE ALVARADO WITH BRANDON BARRICH OF TEXICALI.**

Brandon Barrich of Texicalli was not present at this meeting. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain, to deny this request regarding water usage out of Lake Alvarado. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING ORDINANCE AMENDING EXISTING GAS FRANCHISE AGREEMENT BETWEEN THE CITY OF ALVARADO AND ATMOS ENERGY CORPORATION TO INCREASE THE CONSIDERATION TO 5%.**

Interim City Manager Kelle Whitfill addressed the Council in reference to amending the existing gas franchise agreement with Atmos Energy to 5%. She stated that this would be a pass through fee to all of Atmos Energy’s customers within the City of Alvarado. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to deny this request from Atmos Energy to increase the franchise fee for the City of Alvarado to 5%. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING RECOMMENDATION FROM HOTEL TAX COMMITTEE FOR EXPENDITURES FOR PRINTING OF BROCHURES AND HIRING A CONSULTANT TO RENDER ADVISE ON TOURISM.**

Mayor Tom Durington explained to the Council that the Hotel Tax Committee had recommended printing of brochures about the city and the hiring of a consultant to advise the city regarding tourism. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne “Coach” Richters to approve these expenditures. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVICED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY.

Interim City Manager Kelle Whitfill explained to the Council that the City of Alvarado has been a member of the Steering Committee of Cities for several years. Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Tom Moore, to continue participation in the Steering Committee of Cities and to authorize the payment of 10 cents per capita to the Steering Committee to fund regulator and related activities related to Oncor Electric Delivery. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING COMBINATION PLAT OF A PORTION OF TRACTS 183, 184, AND 215 OF THE SETH MORRIS SURVEY, ABSTRACT 536, LOCATED IN THE 5400 BLOCK OF HWY 67 W, TO BE CALLED BLOCK 1, LOT 1 OF THE 67 BUSINESS PARK ADDITION

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne “Coach” Richters, to approve the combination plat of a portion of Tracts 183, 184, and 215 of the Seth Morris Survey, Abstract 536, located in the 5400 block of Hwy. 67 W, to be called Block 1, Lot 1 of the 67 Business Park Addition. This motion supported five votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING REZONING OF BLOCK 23, LOTS 1B AND 1C OF THE ORIGINAL TOWN ADDITION, LOCATED IN THE 200 BLOCK OF N. SPEARS, FROM AN IN (INSTITUTIONAL) ZONE TO A PD (PLANNED DEVELOPMENT) ZONE.

Mayor Tom Durington opened the Public Hearing at 7:15 P.M. Ms. Brenda Ford addressed the Council in reference to the homes that were being built on this property. The Public Hearing was closed at 7:24 P.M.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve the rezoning of Block 23, Lots 1B and 1C of the Original Town Addition, located in the 200 block of N. Spears as presented with condition that no building or specific use permit be issued until a specific development plan be approved

by the Planning and Zoning Commission and the City Council. This motion supported five votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING, CONSIDERATION AND ACTION REGARDING THE REPLATTING OF BLOCK 23, LOTS 1B AND 1C OF THE ORIGINAL TOWN ADDITION, LOCATED IN THE 200 BLOCK OF N. SPEARS, TO BE CALLED BLOCK 23, LOTS 1B AND 2B OF THE PEACH ORCHARD ADDITION.

Mayor Tom Durlington opened the Public Hearing at 7:25 P.M. Ms. Brenda Ford addressed the Council in reference to the setback restrictions for these homes. Mayor Tom Durlington closed the Public Hearing at 7:28 P.M.

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne "Coach" Richters to approve the replatting of Block 23, Lots 1B and 1C of the Original Town Addition, located in the 200 block of N. Spears, to be called Block 23, Lots 1B and 2B of the Peach Orchard Addition. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE COMBINATION PLAT OF TRACT 4 AND 5 OF THE J. MULLICAN SURVEY, ABSTRACT 584, LOCATED AT 6424 CR 707, TO BE CALLED BLOCK 1, LOT 1 OF THE ALVARADO FIRST ASSEMBLY ADDITION.

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne "Coach" Richters to approve the combination plat of Tract 4 and 5 of the J. Mullican Survey, Abstract 584, located at 6424 CR 707, to be called Block 1, Lot 1 of the Alvarado First Assembly Addition. This motion supported five votes in approval and zero votes opposed. Motion carried.

PUBLIC HEARING AND ACTION REGARDING THE REZONING OF TRACTS 83 AND 83A OF THE IRA GLAZE SURVEY, ABSTRACT 313 AND PART OF TRACT 68A OF THE COLLEGE HILL ADDITION, BY ISSUANCE OF A SPECIFIC USE PERMIT, TO ACCOMMODATE A RETIREMENT HOUSING COMMUNITY IN A C-2 (COMMERCIAL) ZONE

Mayor Tom Durlington opened the Public Hearing at 7:30 P.M. Mr. Anthony Beresee addressed the Council regarding all aspects of building and operating this retirement center.

Mayor Tom Durlington closed the Public Hearing at 7:37 P.M.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to approve the rezoning of Tracts 83 and 83A of the Ira Glaze Survey, Abstract 313 and part of Tract 68A of the College Hill Addition, by issuance of a specific use permit to accommodate a retirement housing community with the condition that this community will be age 55 or older. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING REQUEST FOR RELIEF FROM THE LANDSCAPING REQUIREMENTS FOR LOT 1 OF THE SONIC ADDITION, LOCATED AT 1103 HWY. 67 W.

Sharon Vass, City Clerk explained to the Council that Sonic Drive-in is in the process of remodeling and adding an addition to their current building and due to space restraints they cannot follow all of the requirements for the landscaping. Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson David Bayless to approve this request for relief from the landscaping requirements for Lot 1 of the Sonic Addition, located at 1103 Hwy 67 W. This motion supported five votes in approval and zero votes opposed. Motion carried.

EXECUTIVE SESSION

Mayor Tom Durlington convened into Executive Session at 7:45 P.M.  
Mayor Tom Durlington reconvened into Open Session at 8:26 P.M.

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

No action was taken.

ADJOURNMENT

Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Tom Moore to adjourn this regular meeting of the City Council of the City of Alvarado at 8:27 p.m. This motion supported five votes in approval and zero votes opposed. Motion carried.

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Mayor Tom Durlington  
ATTEST:

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Debbie Thomas, City Secretary

