

# **CITY OF ALVARADO**

## **County of Johnson State of Texas July 20, 2009**

### **MINUTES**

The City Council of the City of Alvarado met in Regular Session on Monday, July 20, 2009 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Tom Durlington	*	Mayor
Joe Sain	*	Councilperson
Michael Rayburn	*	Councilperson
Tom Moore	*	Councilperson
Bruce Clark	*	Councilperson

Absent:

David Bayless	*	Councilperson
Dwayne Richters	*	Mayor Pro Tem

Others Present:

Don Ives	*	City Manager
Debbie Thomas	*	City Secretary
Kelle Whitfill	*	Finance Director
Terry Hafer	*	Public Works Director
Josh Vinent	*	Interim Chief of Police

### **INVOCATION**

Mayor Tom Durlington called this regular meeting to order at 6:30 P.M and Judy Durlington gave the Invocation.

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATION**

Mayor Tom Durlington presented Jacob Wheat, Alvarado Chamber of Commerce president a plaque for the excellent work that he performed for the Fourth of July celebration at Diamond W arena.

### **CONSENT AGENDA**

Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Tom Moore to approve the consent agenda. This motion supported four votes in approval and zero votes opposed. Motion carried.

## **EXECUTIVE SESSION**

Mayor Tom Durington then adjourned this regular meeting at 7:04 p.m. to go into Executive Session.

Mayor Tom Durington reconvened this special meeting at 7:24 p.m.

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

Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Tom Moore, to appoint Josh Vincent in the position of Chief of Police for the City of Alvarado. This motion supported four votes in approval and zero votes opposed. Motion carried.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn, to instruct the City Manager to proceed with the settlement agreement as amended. This motion supported four votes in approval and zero votes opposed. Motion carried.

## **CONSIDERATION AND ACTION REGARDING A BUDGET AMENDMENT OF \$25,000.00 FOR IMPROVEMENTS TO THE OLD WAGON BARN**

Mayor Tom Durington addressed the Council regarding the improvements to the old wagon barn. He would like to see this money earmarked to refurbish the log cabin village at the reunion grounds. He feels that it would bring in more interest and tourists to the city. After discussion, motion was made by Councilperson Joe Sain, duly seconded by Councilperson Tom Moore, to amend the hotel tax budget for \$25,000.00 and hold this money until matching funds equal to or greater than the \$25,000.00 are donated and if these funds have not been matched in six months, return the any money donated back to the donors. This motion supported four votes in approval and zero votes opposed. Motion carried.

## **CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS (CITY) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (ACSC OR STEERING COMMITTEE) AND ATMOS ENERGY CORP., MID-TEX DIVISION (ATMOS MID-TEX OR COMPANY) REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO**

**BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE;  
APPROVING ATMOS' PROOF OF REVENUES.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to approve an Ordinance of the city council of the City of Alvarado, Texas (City) approving a negotiated resolution between the Atmos cities steering committee (ACSC or Steering Committee) and Atmos Energy Corp., Mid-Tex Division (Atmos Mid-Tex or Company) regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be just and reasonable and approving Atmos' proof of revenues. This motion supported four votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING LEASE PURCHASE  
FINANCING OF THE ASPHALT ZIPPER**

Kelle Whitfill, Finance Director, explained to the council that information had been requested from several financial institutions for the financing of the Asphalt Zipper at a total cost of \$88,729.00. The staff recommends accepting the lowest interest quote from Oklahoma State Bank at a rate of 3.99% with annual payments of \$20,015.39. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to approve the lease purchase financing for the Asphalt Zipper from Oklahoma State Bank at an interest rate of 3.99% with annual payments of \$20,015.39. This motion supported four votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE COMBINED  
PRELIMINARY AND FINAL PLAT WITH VARIANCE REQUEST FOR  
TRACT 215D OF THE SETH MORRIS SURVEY, ABSTRACT 536, LOCATED  
ON H & O LANE TO BE CALLED BLOCK 1, LOTS 1, 2, AND 3 OF THE  
SPIVEY ADDITION**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to approve the preliminary and final plat with variance request for Tract 215D of the Seth Morris Survey, Abstract 536, located on H & O Lane to be called Block 1, Lots 1, 2, and 3 of the Spivey Addition. This motion supported four votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE FINAL PLAT OF  
TRACT 141, OF THE SETH MORRIS SURVEY, ABSTRACT 536, LOCATED  
AT 5720 HWY 67 E, TO BE CALLED LOT 1, COOK'S ESTATE.**

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Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain, to approve the final plat of Tract 141, of the Seth Morris Survey, Abstract 536, located at 5720 Hwy 67 E, to be called Lot 1, Cook's Estate. This motion supported four 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 THIS ORDINANCE**

Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Joe Sain, to approve 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. This motion supported four votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS AMENDING THE DANGEROUS AND SUBSTANDARD BUILDING REGULATIONS OF THE CITY; AMENDING THE PROCEDURES FOR THE COMMENCEMENT OF SUBSTANDARD BUILDING PROCEEDINGS**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn, to approve an Ordinance of the City of Alvarado, Texas, amending the dangerous and substandard building regulations of the city and amending the procedures for the commencement of substandard building proceedings. This motion supported four votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING FISCAL YEAR 2009-2010 AD VALOREM TAX RATE: A. TAKE RECORD VOTE , B. SCHEDULE TWO PUBLIC HEARINGS ON TAX RATE, AND C. ANNOUNCE TIME, DATE AND PLACE OF PUBLIC HEARINGS ON TAX RATE**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to accept the proposed tax rate for the fiscal year 2009-2010 of \$.697313 per \$100 valuation and to schedule two Public Hearings on the tax rate for Monday, August 17, 2009 and Monday, September

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14, 2009 at 7:00 in the City Council Chambers located at 104 W. College, Alvarado, Texas. The record votes is as follows:

Bruce Clark – Yea  
Tom Moore – Yea  
Joe Sain – Yea  
David Bayless – Absent  
Michael Rayburn – Yea  
Coach Richters – Absent

This motion supported four votes in approval and zero votes opposed. Motion carried.

### **PUBLIC COMMENTS**

There were no Public Comments at this meeting.

### **ADJOURNMENT**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to adjourn this special meeting of the City Council of the City of Alvarado at 8:07 p.m. This motion supported four votes in approval and zero votes opposed. Motion carried.

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor Tom Durington

ATTEST:

\_\_\_\_\_  
Debbie Thomas, City Secretary