

# **CITY OF ALVARADO**

**County of Johnson**

**State of Texas**

**September 19, 2011**

## **MINUTES**

The City Council of the City of Alvarado met in Regular Session on Monday, September 19, 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
Shawn Goulding	*	Councilperson
Arrdeen Vaughan	*	Councilperson

### **Others Present:**

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

## **INVOCATION**

Mayor Dewayne Richters called this regular meeting to order at 7:21 P.M. and Doctor Kenny Estes gave the Invocation.

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC COMMENTS**

Mr. Melton Traylor addressed the council in reference to the city placing recycle bins in all areas of the city and go green.

Mr. Alvin Leonard addressed the council in reference to Chesapeake Energy's wellsite on Parkway park and the effect it will have on his personal property.

## **CONSENT AGENDA**

Motion was made by Councilperson Shawn Goulding, duly seconded by Councilperson Tom Moore, to approve the Consent Agenda and correct the name change from Bruce Clark to Shawn Goulding on the August 18 and 25<sup>th</sup>, 2011 minutes. This motion supported six votes in approval and zero votes opposed. Motion carried.

## **PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE BY REVISING THE USE TABLES TO PERMIT PARKING LOTS, PARKING GARAGES AND THE PARKING OF HEAVY LOAD VEHICLES IN CERTAIN COMMERCIAL DISTRICTS BY SPECIFIC USE PERMIT.**

Mayor Dewayne Richters opened the Public Hearing at 7:29 p.m. Sharon Vass addressed the council and stated the La Quinta Motel was losing profit by not be allowed to park heavy load vehicles in their parking lot. Mayor Dewayne Richters then closed this Public Hearing at 7:35 p.m.

Motion was made by Mayor Pro Tem Joe Sain duly seconded by Councilperson Tom Moore by to approve an amendment to the Zoning Ordinance by revising the use tables to permit parking lots, parking garages and the parking of heavy load vehicles in certain commercial districts by specific use permit. This motion supported six votes in approval and zero votes opposed. Motion carried.

## **PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCES BY REVISING THE USE TABLES, TO PERMIT MULTIPLE BUSINESSES THAT MAY SELL FOOD AND/OR BEVERAGE FOR ON-PREMISE OR OFF-PREMISE CONSUMPTION.**

Mayor Dewayne Richters opened the public hearing at 7:35 p.m. Clint Davis, City Manager explained that this ordinance is for the liquor election to be held in November 2011. Mayor Richters then closed the public hearing at 7:38 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve the amendment to the Zoning Ordinances by revising the use tables, to permit multiple businesses that may sell for and/or beverage for on-premise or off-premise consumption. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE CODE OF ORDINANCES BY AMENDING SECTION 14-177, PERTAINING TO THE DEFINITION OF JUNKED VEHICLES.**

Bryn Meredith, City Attorney explained to the council that this ordinance was to bring the city into compliance with state laws. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve an amendment to the code of ordinances by amending Section 14-177, pertaining to the definition of junked vehicles. This motion supported five votes in approval and one vote opposed (Ardeen Vaughan). Motion carried.

**CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE CODE OF ORDINANCES BY REVISING SECTION 8-50, PERTAINING TO THE MOVEMENT OF BUILDINGS CONSTRUCTED OFF-SITE**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Jacob Wheat, to approve an ordinance an amendment to the code of ordinances by revising Section 8-50 pertaining to the movement of buildings constructed off-site. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE SIGN REGULATIONS IN CHAPTER 30 OF THE CITY CODE, PROHIBITING SIGNS THAT DEPICT NUDITY, SPECIFIED SEXUAL ACTIVITY OR SPECIFIED ANATOMICAL AREAS.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve an ordinance regarding sign regulations in Chapter 3 of the city code, prohibiting signs that depict nudity, specified sexual activity or specified anatomical areas. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE CODE OR ORDINANCES PERTAINING TO LICENSING FOR SEXUALLY ORIENTED BUSINESSES.**

Motion was made by Councilperson Jacob Wheat, duly seconded by Mayor Pro Tem Joe Sain to approve an amendment to the code or ordinances pertaining to licensing for sexually oriented businesses. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE CODE OR ORDINANCES PERTAINING TO THE LICENSING OF BUSINESSES THAT SELL ALCOHOL.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve an amendment to the code or ordinances pertaining to the licensing of businesses that sell alcohol. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING ALLOCATION OF FUNDS FROM THE HOTEL/MOTEL TAX FOR THE SPECIFIC USE OF ADVERTISING DOLLARS FOR THE 2012 ADULT BIKER RALLIES TO BE HELD IN APRIL AND OCTOBER 2012 AT THE DIAMOND W ARENA. PRESENTATION OF DONATIONS FROM ADULT BIKERS RALLY TO AISD AND MEALS ON WHEELS.**

The Adult Bikers Rally presented donations to the AISD and the Meals on Wheels in the amount of \$500.00 each. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Joe Sain, to allocate \$10,000.00 from the hotel/motel tax for the specific use of advertising dollars for the 2012 Adult Bikers Rallies to be held in April and October 2012. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING PAYMENT FOR FUNDING THE JOHNSON COUNTY TASK FORCE FOR 2011-2012 FISCAL YEAR FOR AIDING AND ASSISTING ALVARADO POLICE DEPARTMENT IN LAW ENFORCEMENT DUTIES.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding to approve payment for funding the Johnson County Task Force for 2011-2012 fiscal year. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ADOPTION OF THE 2011-2012 FISCAL YEAR OPERATING BUDGET.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Shawn Goulding, to approve the 2011-2012 fiscal year operating budget. This motion supported six ayes and zero nays. Motion passed.

**CONSIDERATION AND ACTION AFFIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve an ordinance affixing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2011 and ending September 30, 2012. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE LETTER OF ENGAGEMENT FROM WATERS, VOLLMERING AND ASSOCIATES FOR THE FISCAL YEAR 2010-2011 FINANCIAL AUDIT.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve the letter of engagement from Waters, Vollmering and Associates for the fiscal year 2010-2011 financial audit. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE LETTER OF ENGAGEMENT FROM HALEY & OLSON FOR LEGAL SERVICES TO THE CITY OF ALVARADO.**

Motion was made by Councilperson Tom Moore to accept this letter of engagement with the terms listed in the draft. This motion died from lack of a second. No action was taken on this item.

**CONSIDERATION AND ACTION REGARDING THE JOHNSON COUNTY EMERGENCY SERVICES CONTRACT FOR 2011-2012 FOR THE PROVISION OF MUTUAL AID OF EMERGENCY SERVICES AND COMPENSATION.**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Tom Moore, to accept the Johnson County Emergency Services contract for 2011-2012 for the provision of mutual aid of emergency services and compensation. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION FOR A REQUEST TO PAY FOR AIR CONDITIONING REPAIRS FOR THE ALVARADO SENIOR CENTER FROM OIL AND GAS REVENUE.**

Motion was made by Mayor Pro Tem Joe Sain, duly seconded by Councilperson Tom Moore, to approve the payment of \$5,300.00 for air conditioning repairs for Alvarado Senior Center from oil and gas revenue. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A RESOLUTION WITH GOVERNMENT CAPITAL CORPORATION FOR THE FINANCING OF VEHICLES TO BE PURCHASED FOR ALVARADO PUBLIC WORKS AS DETAILED IN THE 2011-2012 OPERATING BUDGET.**

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem Joe Sain, to approve a resolution with Government Capital Corporation for the financing of vehicles to be purchased for the Alvarado Public Works as detailed in the 2011-2012 operating budget. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ADOPTION OF THE “APPLICATION FOR PLACEMENT ON TOW ROTATION” FORM, A NON-CONSENT TOW AGREEMENT.**

Motion was made by Councilperson Shawn Goulding, duly seconded by Councilperson David Bayless to adopt the “Application for Placement on Tow Rotation” form, a non-consent tow agreement. This motion supported six votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A CONTRACT BETWEEN THE CITY OF ALVARADO AND A HISTORICAL COMMISSION ( TO BE NAMED) CONCERNING THE RENOVATION OF THE “OLD WAGON BARN” LOCATED AT 100 W. COLLEGE.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Shawn Goulding, to give authorization to the City Manager to negotiate this contract concerning the renovation of the old wagon barn located at 100 W. College. This motion supported six votes in approval and zero votes opposed. Motion carried.

**EXECUTIVE SESSION**

There was no Executive Session at this meeting.

**CITY MANAGERS REPORT**

Clint Davis, City Manager, explained to the council that street repairs and paving are being scheduled since our water problems have been addressed. We have had several water main breaks but these have been fixed and we are back on our own water supply. The Parkway bridge has been scheduled for

Minutes  
Regular Council Meeting  
September 19, 2011  
Page Seven

removal the first part of 2012. Code Enforcement is actively enforcing the tire ordinance. The third National Night Out is scheduled for Tuesday, October 4, 2011.

### **ADJOURNMENT**

Motion was made by Councilmember Tom Moore, duly seconded by Mayor Pro Tem Joe Sain to adjourn this regular meeting of the City Council of the City of Alvarado at 8:20 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

Passed and approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Mayor Dewayne "Coach" Richters

ATTEST:

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Debbie Thomas, TRMC  
City Secretary