

# **CITY OF ALVARADO**

## **County of Johnson**

### **State of Texas**

**October 17, 2011**

#### **MINUTES**

The City Council of the City of Alvarado met in Regular Session on Monday, October 17, 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
Arrdeen Vaughan	*	Councilperson

**Absent:**

Shawn Goulding	*	Councilperson
----------------	---	---------------

**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 Dewayne Richters called this regular meeting to order at 6:51 P.M. and Jacob Wheat gave the Invocation.

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENTS**

There were no public comments at this meeting.

### **CONSENT AGENDA**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve the Consent Agenda with the following corrections: September 12: Place Shawn Goulding as present; September 19: Change Reverend to Doctor. This motion supported five votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING THE REZONING OF BLOCK 25, LOTS 1, 2, 17 AND 18 OF THE NEW TOWN ADDITION, KNOWN AS 700 S. PARKWAY, BY ISSUANCE OF A SPECIFIC USE PERMIT, TO ACCOMMODATE A STATIONARY VENDOR USING A MOBILE STRUCTURE IN A C-2 (COMMERCIAL) ZONE.**

Mayor Dewayne Richters opened the Public Hearing at 6:55 p.m. Mayor Dewayne Richters then closed this Public Hearing at 6:56 p.m.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless to approve an ordinance rezoning Block 25, Lots 1, 2, 17 and 18 of the New Town Addition, known as 700 S. Parkway, by issuance of a Specific Use Permit to accommodate a stationary vendor using a mobile structure in a C-2 (Commercial) Zone. This motion supported five votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING THE REZONING OF BLOCK 1, LOT 2 OF THE GHANDI ADDITION, IN THE 600 BLOCK OF NORTH PARKWAY, BY ISSUANCE OF A SPECIFIC USE PERMIT, TO ACCOMMODATE A HEAVY TRUCK PARKING LOT IN A C-2 (COMMERCIAL) ZONE.**

Mayor Dewayne Richters opened the public hearing at 6:57 p.m. Mayor Dewayne Richters then closed this Public Hearing at 6:58 p.m. Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Joe Sain to approve an ordinance rezoning Block 1, Lot 2 of the Ghandi Addition, in the 600 block of North Parkway, by issuance of a Specific Use Permit to accommodate a heavy truck parking lot in a C-2 (Commercial) Zone. This motion supported five votes in approval and zero votes opposed. Motion carried.

**PUBLIC HEARING AND CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253.**

Mayor Dewayne Richters opened this Public Hearing at 6:59 p.m. Diana Miller, Johnson County Economic Development Director addressed the council explaining that we currently have this ordinance in place but due to changes made in the last state legislative session, this would need to be approved before December 31, 2011. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve an ordinance to tax personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. This motion supported four votes in approval and one vote opposed (Ardeen Vaughan). Motion carried.

Minutes  
Regular Council Meeting  
October 17, 2011  
Page Three

**CONSIDERATION AND ACTION REGARDING A RESOLUTION OF THE CITY OF ALVARADO AUTHORIZING PURCHASING SERVICES FOR LOCAL GOVERNMENTS PURSUANT TO LOCAL GOVERNMENT CODE 271.082 AND 271.083 FROM THE STATE OF TEXAS CO-OP PROGRAM.**

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore, to approve a resolution authorizing purchasing services for local governments from the State of Texas Co-Op Program at a cost of \$100.00 annually. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE ACCESS AGREEMENT AND PERMIT BETWEEN THE CITY OF ALVARADO AND CHESAPEAKE OPERATING, INC, TO ALLOW INSTALLATION OF THREE 10" TEMPORARY ABOVE GROUND WATER LINES ON CITY PROPERTY LOCATED AT 600 S. PARKWAY.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to approve an access agreement and permit between the City of Alvarado and Chesapeake Operating, Inc. to allow installation of three 10" temporary above ground water lines on city property located at 600 S. Parkway. This motion supported five 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.**

Mayor Dewayne Richters convened into Executive Session at 7:10 p.m. under Section 551.071 of the Local Government Code.

Mayor Dewayne Richters then reconvened into open session at 7:36 p.m.

Motion was made by Councilperson Jacob Wheat, duly seconded by Councilperson Tom Moore, to make the findings as set forth in the proposed ordinance that we have reviewed and considered the studies presented to us and that they are applicable to the City of Alvarado and that this ordinance be approved. This motion supported five votes in approval and zero votes opposed. Motion carried.

Minutes  
Regular Council Meeting  
October 17, 2011  
Page Four

**CONSIDERATION REGARDING REQUEST FROM LYNN SMITH  
REQUESTING ANNEXATION OF 15.36 ACRES, ON THE SOUTHWEST  
CORNER OF HIGHWAY 35 W AND US HIGHWAY 67.**

Clint Davis informed the council that we had received written request from Mr. Smith to annex this property into the City of Alvarado. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson David Bayless, to move to initiate annexation of the described property. This motion supported five votes in approval and zero votes opposed. Motion carried.

**EXECUTIVE SESSION**

Agenda item No. 6 was taken into Executive Session under Local Government Code 551.071.

**CITY MANAGERS REPORT**

Clint Davis, City Manager, explained to the council that the College Street Bridge removal is on schedule and the city will not have to move any sewer lines; street repairs and paving are being scheduled and Terry Hafer and himself are looking at a long range plan to update our streets; upcoming events within the city; the Gazebo restoration project is being done with the help of the Chamber of Commerce and a volunteer group. November 5 will a Volunteer work day at the gazebo. The Wagon Barn has had some roof repair and will be finished this weekend. We are also moving forward with our agreement for restoration of this building. The HOT Advisory Committee has met and will be making recommendation to the council for upcoming events that fill our local hotels.

**COUNCIL COMMENTS**

Mayor Pro Tem Joe Sain stated that Mellie Ferguson, former long-time councilperson will be having surgery on Thursday, October 20, 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 8:17 p.m. This motion supported five votes in approval and zero votes opposed. Motion carried.

Minutes  
Regular Council Meeting  
October 17, 2011  
Page Five

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

\_\_\_\_\_  
Mayor Dewayne "Coach" Richters

ATTEST:

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