CITY OF ALVARADO
County of Johnson
State of Texas
November 20, 2023
City Council Minutes

The City Council of the City of Alvarado met in Regular Called Session on Monday, November 20, 2023 at 6:30 p.m. The following were present for roll call:

Name	Title	Present	Absent	Excused
Jacob Wheat	Mayor	✓		
Michael Bennett	Council Ward 1	✓		
Beverly Short	Council Ward 1		✓	✓
Lydia Moon	Mayor Pro-Tem Ward 2	✓		
Cherry Bryant	Council Ward 2	✓		
Scott Arthur	Council Ward 3	✓		
Kevin Thomas	Council Ward 3	✓		

Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Laura Cox	Chief Financial Officer
Ashley Dierker	City Attorney
Donielle Suber	Director of Administrative Services
Justin French	Community Dev. Director
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Teddy May	Police Chief
Michael Dwiggins	Public Works Director

Mayor Jacob Wheat call the meeting to order at 6:30 p.m. and Calvin Jenkins gave the invocation.

PLEDGE OF ALLEGIANCE and TEXAS PLEDGE

PUBLIC COMMENTS- Jameye Jones reminded Council of the 33rd Annual Parade and the toy drive coming up in the coming month.

AGENDA ITEM #1, 2,3, 4,5, 6,7
CONSENT AGENDA
1. CONSIDERATION AND ACTION TO APPROVE THE MINUTES OF THE 10/16/23 REGULAR CITY COUNCIL MEETING.

2. CONSIDERATION AND ACTION REGARDING FY 2023 AUDIT ENGAGEMENT AGREEMENT.
3. CONSIDERATION AND ACTION APPROVING A LETTER OF AGREEMENT WITH HILLTOP SECURITIES ASSET MANAGEMENT, LLC (HSAM) TO ASSIST IN THE DEVELOPMENT AND UPDATE OF THE CITY'S INVESTMENT POLICY, AND AUTHORIZING THE CITY MANAGER AND/OR CHIEF FINANCIAL OFFICER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH.
4. CONSIDERATION AND ACTION TO AWARD BIDS FOR STREET REPAIR.
5. CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2023-0015 REGARDING A GRANT FOR THE PURCHASE OF BODY CAMERAS.
6. CONSIDERATION AND ACTION TO AUTHORIZE LASALLE CORRECTIONS TO NEGOTIATE (ON BEHALF OF THE CITY OF ALVARADO) THE RENEWAL OF AN INTER-GOVERNMENT SERVICE AGREEMENT (IGSA) FOR ADULT NONCITIZEN DETENTION SERVICES FOR U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NONCITIZENS WITH THE DEPARTMENT OF HOMELAND SECURITY (DHS), ICE.
7. CONSIDERATION AND ACTION TO APPROVE LETTER DECLINING TO SUBMIT COMMENT TO TCEQ REGARDING RECYCLING FACILITY.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the consent agenda.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #8
CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2023-0013, CASTING VOTES FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.
Johnson County Central Appraisal District has provided the City of Alvarado with a ballot for Council to vote on the Central Appraisal District Board of Directors for 2024-2025. The City of Alvarado is entitled to a total of 49 votes. Council may choose to cast all those votes for one candidate or divide them up for two or more candidates. Once that decision is made, the Council will approve Resolution R2023-0013 which will direct Johnson County CAD in how to place the votes for the City of Alvarado.

Motion was made by Lydia Moon and seconded by Cherry Bryant to give all 49 of the City of Alvarado votes to Duaine Goulding.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #9
PUBLIC HEARING, CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0032, REGARDING THE APPLICATION OF AGAVE TRAIL DEVELOPMENT

LLC REPRESENTED BY JOHN HEILMAN FOR APPROVAL OF A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) DISTRICT AND AGRICULTURAL (A) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT ON APPROXIMATELY 113.09 ACRES KNOWN AS PORTIONS OF TRACTS 6 AND 22 OF THE J. M. ROSS SURVEY, A-737, APPROXIMATELY ADDRESSED AT 1000, 1220, AND 1300 N. CUMMINGS DRIVE, WITH DEVELOPMENT PLAN APPROVAL.

Mayor Wheat announced the start of the public hearing at 6:55 p.m.

On June 6, 2022, City Council approved Ordinance No. 2022-0007 establishing the Planned Development (PD) District zoning for the Agave Trail development then on March 20, 2023, City Council approved Ordinance No. 2023-0005 rezoning a portion of the Agave Trail Planned Development District to the Agricultural District with the Institutional Overlay District in anticipation of a land swap with Alvarado ISD. On May 15, 2023, the newly acquired land by Agave Trail Development LLC was annexed and assigned to the Agricultural (A) District. The applicant requests rezoning of this newly acquired acreage and approval of the revised Agave Trail development plan.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential, which generally includes single-family detached residence at approximately four dwelling units per acre. The requested rezoning and development plan are consistent with the Comprehensive Plan.

On November 14, 2023, the Planning and Zoning Commission recommended approval by a vote of 4-0 with the stipulation that the following provision in Exhibit A of Ordinance No. 2023-0032 be omitted.

Per Section 4.7 of the development agreement dated August 15, 2022, the developer is responsible for the design of all roadway facilities required to serve the development. The $3.4M from the developer to the City per the development agreement is only for construction of improvements as warranted by a Traffic Impact Analysis (TIA). For example, the TIA will determine two lanes or four lanes for CR 508, possible need for a round-a-bout at the intersection with N. Cummings Drive & CR 508, and N. Cummings Drive improvements beyond the scope of the N. Cummings Drive Advanced Funding Agreement project with TxDOT. The TIA must be submitted for City review prior to submission of the Agave Trail preliminary plat application.

Staff suggests approval of the drafted Ordinance No. 2023-0032 without P&Z's Exhibit A omission per the Comprehensive Plan and development agreement.

Mayor Wheat closed the public hearing at 7:10 p.m.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve Ordinance 2023-0032 with amendments removing P&Z's Exhibit A omission.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #10
CONSIDERATION AND ACTION ON THE APPLICATION OF WINSTON PARKS WITH PALM DEVELOPMENT PARTNERS ON BEHALF OF THE DAVID AND MARY GLENN IRREVOCABLE TRUST FOR APPROVAL OF THE HENDERSON INTEGRITY ADDITION (URGENT CARE FACILITY) PRELIMINARY PLAT ON 2.298 ACRES KNOWN AS TRACT 29 IN THE J. DIXON SURVEY, ABSTRACT 214, APPROXIMATELY ADDRESSED IN THE 700 AND 800 BLOCKS OF E. HWY 67.
The preliminary plat application was submitted and deemed administratively complete on October 27, 2023. Per Section 34-34.c of the Alvarado subdivision ordinance, the City Council shall:
(1) Act within 30 days after the filing of preliminary plat,
(2) Make one of the following decisions.
    a. Approve.
    b. Approve with conditions.
    c. Disapprove with reasons.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Local Business, which generally includes small businesses and retail uses, coffee shops, restaurant, and small professional office buildings. This type of development is best suited along Highway 67 and is intended to serve the needs of residents. The City's Development Review Committee (DRC) finds the preliminary plat to comply with the minimum standards of the Alvarado subdivision ordinance and all other ordinances. The subject site is zoned General Commercial (C-2) District and anticipated development is consistent with the Comprehensive Plan.

On November 14, 2023, the Planning and Zoning Commission recommended Council approve the preliminary plat of Henderson Integrity Addition by a vote of 4-0.

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve the Henderson Integrity Addition (Urgent Care Facility) preliminary plat on 2.298 acres known as Tract 29 in the J. Dixon Survey, Abstract 214, approximately addressed in the 700 and 800 blocks of E. Hwy 67.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #11
CONSIDERATION AND ACTION TO APPROVE AT THE REQUEST OF PROPERTY OWNER ANDREW BITHER, FOR AN ON-SITE SEWER FACILITY (OSSF), AS

AUTHORIZED BY SECTION 34-130(C) OF THE ALVARADO SUBDIVISION ORDINANCE, ON 8.12 ACRES KNOWN AS TRACTS 16 & 18-22 OF THE GEORGE S. MCINTOSH SURVEY, A-625, AND ADDRESSED AT 1005 E. HIGHWAY 67.
Based on available occupancy records, the property addressed at 1005 E. Highway 67 has been occupied by Seery's Garage and other auto repair occupants since July 21, 2011; however, garbage service account records and Google Earth aerial imagery indicate usage as early as February 15, 1994 and December of 1985. No water or wastewater account records were found for the subject site. The building for the existing auto repair use is not on Alvarado water supply and is reported to have an on-site sewer facility (OSSF).

Advance Career Education, LLC proposes to make improvements to the subject site for a truck driving trade school. Today the subject site is not a platted lot of record, which is a prerequisite to the issuance of permits the school needs to improve the property. To plat the property as a lot of record, the developer must provide adequate public infrastructure including installation of all sanitary sewer facilities needed to serve the development and extend all sanitary sewer mains and appurtenances necessary to connect the development with the City's sanitary sewer system.

Advance Career Education, LLC requests City Council to approve a properly permitted onsite sewage facility in lieu of connection to the City's sanitary sewer system as permitted by Section 34-130(c) of the Alvarado subdivision ordinance. Per Section 34-130(c), in locations where sanitary sewers are not available and where the City Council concludes that installation of sanitary sewers is not feasible, on-site septic systems of approved type may be installed in conformity with the rules, regulations, and ordinances of the city, county, and state pertaining to public health. The city council shall grant approval for on-site septic system usage only in those conditions and circumstances in which very low density development can be accommodated or other exceptional circumstances exist. In no case shall on-site septic systems be installed without express approval and inspection by the city."

Staff suggests the City Council disapprove the request of Andrew Bither because conditions and circumstances in which only very low-density development can be accommodated do not exist.

Motion was made by Michael Bennett and seconded by Cherry Bryant to deny the request.
This motion supported votes 2 in approval and 3 votes opposed. Motion failed.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the request.
This motion supported votes 3 in approval and 2 votes opposed. Motion carried.

AGENDA ITEM #12

CONSIDERATION AND ACTION REGARDING FIRE STATION RENOVATION PROJECTS.

The current fire station was constructed in approximately 1985, with the original metal roof and exterior sheeting still intact. The source of our problem with the roof entails the various screw heads and the disintegration of the associated rubber gaskets for each. In addition, we have eight (8) skylights that are significantly deteriorated. The process that best suits our needs is to first replace all the skylights with solid metal sheeting, and second, cover the entire roof with a silicone based top coat. The process will also include sealing all gaps and protrusions with a trowel-grade seam sealer. This process carries a 20- year warranty.

Next, are numerous pieces of sheet metal on the exterior of the building that needs to be replaced. Included in this quote is cutting the bottom four feet out to expose and replace rotted base angle, replacing all metal, trim, gutters and downspouts.

Next, is to repaint the exterior of Fire Station 79. The quote includes all prep work, pressure washing, priming and painting of all exterior walls, doors and trim. Next, we have ventilation issues in the truck bay of the fire station. We would like to add a 16' industrial ceiling fan, similar to what is at Old Settlers Pavilion. This work will be done by The BAF Company.

Next, to avoid what happened with Bay Door 1, the other three bay doors will be replaced. Last, is to construct new lockers in the dormitory. There will be an individual locker for each firefighter for the purpose of storing uniforms, bedroll, and other personal belongings.

These projects combined will cost approximately $90,920.88.
No Council action required.

AGENDA ITEM #13

CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2023-0031, AMENDING DIVISION 2 "CITY MANAGER," OF ARTICLE III, "OFFICERS AND EMPLOYEES," OF CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES, CITY OF ALVARADO, TEXAS, RELATING TO THE CITY MANAGER'S TERMS OF EMPLOYMENT, SALARY, DUTIES, AND POWERS.

The proposed amendments are necessary to align the Code of Ordinances with the City Charter that was passed on May 6, 2023, and declared the City of Alvarado as a Home Rule City. The addition of subsection (C) under Section 2-127 establishing the City Manager's spending authority in an amount up to $50,000.00 for budgeted expenditures, which is the minimum amount for sealed bidding requirements required by the State of Texas.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve to approve Ordinance 2023-0031.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #14
CONSIDERATION AND ACTION TO APPROVE THE SETTLEMENT AGREEMENT WITH INDIE CATCH.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve and ratify the settlement agreement with Indie Catch for the City Manager to sign.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #15
CONSIDERATION AND ACTION TO ACCEPT BID FOR POLICE DEPARTMENT RENOVATIONS.
One bid was received in response to the Request for Proposals for PD building renovations. It was submitted by Acumen Enterprises, INC in the amount of $417,476.00. The budget for this work is $300,000 and the bid was $117,000 over budget. The budget amount was created based on an estimate done last summer. Management believes that this estimate was incorrect and that the Acumen bid is a fair bid for the proposed project scope.

Motion was made by Lydia Moon and seconded by Cherry Bryant to accept and award the Police Building Renovations to Acumen Enterprises in the amount of $417,476.00.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #16
PRESENTATION AND ACTION ON BODY CAMERA UPGRADES.
Police Department body cameras need to be upgraded. A grant has been secured that will cover the cost of the first year at 75%. The cost per year for year 2-5 will be $45,000. The PD received three bids and recommended that the bid be awarded to WatchGuard at a cost of $233,296.24 over 5 years. WatchGuard is the current vendor that the PD uses and have found them to be reliable and effective. They were also the low bidder.

Motion was made by Lydia Moon and seconded by Kevin Thomas to accept and award the bid from WatchGuard for PD Body Cameras at a cost of $233,296.24 over a five year period and to authorize the City Manager to enter into an agreement for cameras.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #17
CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO APPROVE THE PURCHASE OF ROUTERS FOR THE PD VEHICLES.

With the change by Johnson County to the SOMA RMS upgrade for public safety communications devices, new routers are needed for the Police vehicles. Management recommended the purchase of CradlePoint 5G routers at a cost of $38,174.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the purchase of routers for the police vehicles and to authorize the City Manager to enter into an agreement for the routers.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

EXECUTIVE SESSION
Mayor Wheat announced an executive session at 8:35 p.m.

EXECUTIVE SESSION: PURSUANT TO THE TEXAS OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, THE CITY COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DELIBERATE REGARDING THE FOLLOWING MATTERS:
1. § 551.071. CONSULTATION WITH ATTORNEY. THE CITY COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO CONDUCT A PRIVATE CONSULTATION WITH ITS ATTORNEY ON ANY LEGALLY POSTED AGENDA ITEM, WHEN THE CITY COUNCIL SEEKS THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, A SETTLEMENT OFFER, OR ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE PROVISIONS OF CHAPTER 551, INCLUDING THE FOLLOWING ITEMS:
A. ANY ITEM LISTED ON THE AGENDA.
B.INFRASTRUCTURE UPDATE- WWTP_DSGL COST SHARE AGREEMENT.
C. LONE OAK DEVELOPMENT AGREEMENT.
D. 310 ATCHLEY
2. § 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS. THE CITY COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS OR DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR TO DELIBERATE THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT DESCRIBED ABOVE.

A) INFRASTRUCTURE UPDATE- WWTP_DSGL COST SHARE AGREEMENT.
B) LONE OAK DEVELOPMENT AGREEMENT.
C) 310 ATCHLEY.

Council reconvened into regular session at 9:00 p.m.

AGENDA ITEM #18
CONSIDERATION AND ACTION REGARDING AN AMENDMENT TO THE WWTP_ DSGL COST SHARE AGREEMENT.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve agenda item 18 as discussed.

This motion supported votes 5 in approval and 0 votes opposed. Motion carried.

There being no further business, Mayor Wheat adjourned the meeting at 9:02 p.m.

Passed and approved this the 18th day of December, 2023.

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Mayor Jacob Wheat

Respectfully Submitted,

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Beth A Walls, City Secretary/HRD