CITY OF ALVARADO

County of Johnson
State of Texas
June 15, 2009

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, June 15, 2009 at 6:30 p.m. in the Council Chambers at City Hall. The following were present for roll call:

Tom Durington	*	Mayor
Joe Sain	*	Councilperson
Dwayne Richters	*	Mayor Pro Tem
David Bayless	*	Councilperson
Michael Rayburn	*	Councilperson
Bruce Clark	*	Councilperson
Tom Moore	*	Councilperson

Others Present:

Don Ives	*	City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney
Sharon Vass	*	Director of Community Service
Kelle Whitfill	*	Finance Director
Josh Vincent	*	Interim Chief of Police

INVOCATION

Mayor Tom Durington called this regular meeting to order at 7:07 P.M. Pastor R. J. Jacobs from Gracemark Church gave the invocation.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Mr. McHale of 309 Watson addressed the Council in reference to an extension of his demolition order. He was told the staff will work with him.

PUBLIC HEARINGS

Mayor Tom Durington opened the Public Hearing regarding whether to order the repair, removal, or demolition of the following substandard structures: 402 W. Patton, Tract 9, Abstract 313, Ira Glaze Survey, 207 W. Weaver, Block 33, Lot 2A, Original Town Addition, 7548 S. I-35W, Lot 23R1 (part of Lots 21, 22, 23), Quail Haven Addition, 7540 S. I-35W, Lot 22R (part of Lots 21, 22,23), Quail Haven Addition, and 403 Ezell, Block 82, Lots 2-3, Original Town Addition. Ms. Leona Davis explained to

the Council that the property at 402 W. Patton was being cleaned up and would be remodeled and brought up to code. This should be finished by the end of June, 2009. Sharon Vass, Community Service Director, gave the following report to the council about the properties:
207 W. Weaver – the owner is deceased and the house has partially burned. It is deemed dangerous to the public.
7548 S. I-35, Lot 23R1 (part of lots 21, 22, 23) and 7540 S. I-35W, Lot 22R (part of lots 21, 22, 23) are owned by the same property owner. She has received bids and made arrangements to these homes demolished within 60 days.
403 Ezell – The new owner has this building nearly torn down.

Mayor Tom Durington then closed this Public Hearing at 7:16 P.M.

CONSENT AGENDA

Motion was made by Councilperson David Bayless and duly seconded by Councilperson Bruce Clark, to approve the Consent Agenda with the following correction: add Bruce Clark as attending the meeting. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A REQUEST FOR VARIANCE FROM THE CITY OF ALVARADO CODE, CHAPTER 111, TABLE 1, ENTITLED "SCHEDULE OF PERMANENT SIGNS" REGARDING THE HEIGHT AND SQUARE FOOTAGE OF AN OFF-PREMISE POLE SIGN LOCATED ON LOT 1, BLOCK 1, OF THE ROSEWOOD ADDITION.

Ms. Blanca Alvarado from the Super 8 Motel addressed the Council in reference to obtaining a variance so that she can place a larger and taller off-premise sign on the property. The Super 8 Motel will be changing to a new sign and they would like it taller so that it can be seen from Interstate 35. Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark to approve a variance from the City of Alvarado Code, Chapter 111, Table 1, entitled "Schedule of Permanent Signs" so that the Super 8 Motel can place a taller and larger off-premise pole sign on the property located on Lot 1, Block 1, Rosewood Addition. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE DEMOLITION OF THE CITY-OWNED BUILDING AT 100 W. COLLEGE STREET

Mr. Michael Percifield addressed the Council regarding the cost of restoring the wagon barn located at 100 W. College. He gave the council a preliminary restoration cost of $115,000.00. Don Ives, City Manager stated that in his opinion this was a very low estimate of the cost to restore the barn. After discussion, motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem "Coach" Richters to table this item and do more research on the restoration procedures and cost and see if the city would have at least $25,000.00 allocated from the Hotel Tax Fund to help with the

beginning of this restoration. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, REPEALING SECTIONS 36.50, 36.51, 36.70, 36.75, 36.80, 36.81, 92.01 AND 92.02 OF THE CODE OF ORDINANCES, GOVERNING THE OFFICES OF PUBLIC WORKS DIRECTOR, CHIEF OR POLICE, FIRE CHIEF, FIRE MARSHAL AND RELATING TO THE TENURE AND REMOVAL OF CITY OFFICERS.

After discussion, motion was made by Councilperson David Bayless, duly seconded by Councilperson Joe Sain to keep the wording basically the same stating that the City Council has the final decision on hiring and the City Manager has the authority to terminate and discipline these employees. This motion supported two votes for (David Bayless and Joe Sain) and four votes against. Motion failed.

Motion was made by Councilperson Michael Rayburn, duly seconded by Mayor Pro Tem "Coach" Richters, to allow the City Manager to bring the final candidate before the City Council for ratification and final decision. This r ·on supported four votes in approval and two votes against. (David Bayless and Joe Sain) Motion passed.

CONSIDERATION AND ACTION REGARDING THE PLATTING OF TRACT 39 OF THE T. MATTY SURVEY, ABSTRACT 538, LOCATED AT 2500 CR 405, TO BE CALLED LOTS 1 AND 2 OF THE B.R. ESTATES.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn, to approve the plat of Tract 39 of the T. Matty Survey, Abstract 538, located at 2500 CR 405, to be called Lots 1 and 2 of the B. R. Estates. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION TO DETERMINE WHETHER TO ORDER THE REPAIR, REMOVAL OR DEMOLITION OF THE FOLLOWING STUBSTANDARD STRUCTURES: 402 W. PATTON, TRACT 9, ABSTRACT 313, IRA GLAZE SURVEY, 207 W. WEAVER, BLOCK 33, LOT 2A, ORIGINAL TOWN ADDITION, 7548 I-35 W, LOT 23R1 (PART OF LOTS 21,22, AND 23), QUAIL HAVEN ADDITION, 7540 S. I-35 W, LOT 22R (PART OF LOTS 21, 22, AND 23), QUAIL HAVEN ADDITION, AND 403 EZELL, BLOCK 28, LOTS 2-3, ORIGINAL TOWN ADDITION

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn, that the City (·cil of the City of Alvarado on June 15, 2009, held a Public Hearing to determine

whether the property located at 402 W. Patton, Tract 9, Abstract 313, Ira Glaze Survey, meets the minimum standards set forth in the Chapter 150 of the Alvarado Code or Ordinances, (the "Code") as adopted by the City of Alvarado. The City Council makes the following findings and orders that the following action take place within the time frame specified herein:

We the City Council FIND:

1. That such defects or conditions exist to the extent that the life, health, property or safety of the public or occupancy of the building are endangered; and

2. It is probable that the building may be repaired within 60 days; however, there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time, beyond 60 days, is given.

We the City Council FIND the following violations of municipal standards present in the building:

1. See attached list of violations labeled Exhibit "A".

We the City Council ORDER:

1. A. That the owner demolish the building OR repair the building to meet all municipal standards and remedy all violations set forth in the attached and incorporated Exhibit "A" within 60 days of the effective date hereof; or

   B. That in the event the owner fails to repair or demolish the building within 60 days of the effective date hereof, the building may be repaired or demolished by any of the mortgagees or lien holders, if any, within 30 days thereafter, or

2. That the City will vacate, secure, remove, and/or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allotted, and charge the costs to the property.

The findings and orders set forth herein are effective this the 15th day of June, 2009.
This motion supported six votes in approval and zero votes opposed. Motion carried.

Motion was made by Councilperson Tom Moore, duly seconded by Michael Rayburn that the City Council finds on the properties located at 207 W. Weaver, Block 33, Lot 2A, Original Town Addition, 7548 S. I-35 W, Lot 23R1 (part of lots 21, 22, 23) Quail Haven Addition, 7540 S. I-35 W, Lot 22R (part of lots 21, 22, 23) Quail Haven Addition, and 403 Ezell, Block 82, Lots 2-3, Original Town Addition:

1. That such defects or conditions exist to the extent that the life, health, property or safety of the public or occupancy of the building are endangered; and

2. The buildings are infeasible of repair.

We the City Council FIND the following violations of municipal standard present in the buildings:

1. Se attached list of violations labeled Exhibit "A".

We the City Council order:

1. That the buildings be vacated within 72 hours and the Building Official or his designated representative shall post a Notice to Vacate at the properties in accordance with Section 150.73 of the Code; and

2. A. That the buildings be demolished by the owner, within 30 days of the effective date hereof; or

   B. That in the event the owner fails to demolish the buildings within 30 days of the effective date hereof , the building may be demolished by any of the mortgagees or lien holders, if any, within 30 days thereafter, and

3. That the city will vacate, secure, remove, and/or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allotted, and charge the cost to the property.

The FINDINGS and ORDERS set forth herein are effective this the 5th day of June, 2009.
This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE ADOPTION OF THE 2006 INTERNATIONAL BUILDING AND THE 2006 INTERNATIONAL FIRE CODES WITH NCTCOG AMENDMENTS.

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Bruce Clark to adopt the 2006 International Building Codes and the 2006 International Fire Codes with the NCTCOG amendments. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ADOPTION OF AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF ALVARADO TERRITORY DESCRIBED AS THAT CERTAIN 37.98 ACRE TRACT OF LAND AND THAT CERTAIN 9.44 ACRES OUT OF A 22.20 ACRE TRACT OF LAND, BOTH OUT OF THE G.L. HICKEY SURVEY, ABSTRACT NO. 344, JOHNSON COUNTY, TEXAS, FOR ALL MUNICIPAL PURPOSES AND APPROVING A SERVICE PLAN FOR SUCH TERRITORY.

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Michael Rayburn to adopt the ordinance providing for the annexation into the City of Alvarado territory described as that certain 37.98 acre tract of land and that certain 9.44 acres out of a 22.20 acre tract of land, both our of the G.L. Hickey Survey, Abstract 344, Johnson County, Texas, for all municipal purposes and approving the service plan for such territory. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE APPOINTMENT OF THE ALVARADO ECONOMIC DEVELOPMENT BOARD MEMBERS

Debbie Thomas, City Secretary, explained to the Council that the terms of David Bayless, Loyd Adair, and Clint Davis had expired. Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Michael Rayburn, to reappoint these members to the Alvarado Economic Development Board for a term from July 1, 2009 thru June 30, 2011. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE AWARD OF THE CONTRACT FOR AUDIT SERVICES FOR THE CITY OF ALVARADO

Kelle Whitfill, Finance Director, addressed the Council regarding the bids that were received for audit services the city. She stated that the firm of Rutledge, Crain & Co. were the lowest bidder at $22,264 for 2009 and ,800 for 2010. Motion was made by Councilperson David Bayless, duly seconded by Councilperson Tom Moore to award the contract for audit services to the firm of Rutledge, Crain & Co. for the next two years. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE AWARD OF THE CONTRACT FOR GOVERNMENTAL SOFTWARE AND HARDWARE FOR CITY HALL

Don Ives, City Manager, explained to the Council that two bids had been received for the accounting, utility, and court packages to update the city's software. He recommended that the Council award the bid to Incode from Lubbock, Texas. After discussion, motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Michael Rayburn, to award the contract to Incode for governmental software and hardware for city hall not to exceed $74,875.00. This motion supported six votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE OF THE CITY OF ALVARADO, TEXAS, CLOSING AND ABANDONING A PORTION OF WEST PATTON STREET OF THE IRA GLAZE SURVEY, ABSTRACT 313

ALVARADO, JOHNSON COUNTY, TEXAS AND AUTHORIZING ITS CONVEYANCE TO THE ADJACENT PROPERTY OWNERS.

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Bruce Clark, to deed fifteen (15) feet of property back to the adjacent property owners keeping all easements all the way on Patton Street. This motion supported six votes in approval and zero votes opposed. Motion carried.

WORKSHOP

Don Ives, City Manager, addressed the Council in reference the Alvarado Sports Association wanting to make improvements at Moore Park. He stated that they would like to place a football field on the property at this time so that the field could be complete by fall. This item will be taken back to the City Council at the next meeting.

CITY MANAGER'S REPORT

Don Ives, City Manager, told the Council that a Special Meeting would be held during the second week of July. He also wanted to notify the council of the street paving that had been done by Public Works. This has saved the city substantial money.

PUBLIC COMMENTS

There were no Public Comments at this meeting.

EXECUTIVE SESSION

An Executive Session was not held at this meeting.

ADJOURNMENT

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Joe Sain to adjourn this regular meeting of the City Council of the City of Alvarado at 9:10 p.m. This motion supported six votes in approval and zero votes opposed. Motion carried.

Passed and approved this the 20th day of July, 2009.

Mayor Tom Durington

ATTEST:

Debbie Thomas, City Secretary