

# **CITY OF ALVARADO**

## **County of Johnson State of Texas February 16, 2009**

### **MINUTES**

The City Council of the City of Alvarado met in Regular Session on Monday, February 16, 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
Tom Moore	*	Councilperson
Michael Rayburn	*	Councilperson
Dwayne Richters	*	Mayor Pro Tem
David Bayless	*	Councilperson

#### Absent:

Bruce Clark	*	Councilperson
-------------	---	---------------

#### Others Present:

Don Ives	*	City Manager
Debbie Thomas	*	City Secretary
Bryn Meredith	*	City Attorney

### **INVOCATION**

Mayor Tom Durlington called this regular meeting to order at 7:00 P.M. Mayor Tom Durlington gave the invocation.

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATIONS**

Mr. Gil Vollmering from Waters, Wright & Associates presented the 2008 Audit to the Mayor and City Council.

Ms. Sharon Wright addressed the Council in reference to the Athena Society of Burleson. Mayor Tom Durlington then read and presented her with a Proclamation.

### **PUBLIC COMMENTS**

Ms. Barbara Kundert addressed the Council inviting them to the Alvarado BBQ Dinner hosted by the American Legion Post 426 on Friday, April 3, 2009 to greet the cycling wounded warriors as they pass through Cleburne.

Minutes  
Regular Council Meeting  
February 16, 2009  
Page Two

## **PUBLIC HEARING**

Mayor Tom Durlington opened the Public Hearing to determine whether to order the repair, removal or demolition of the following substandard properties: Block 74, Lot 3, Original Town Addition known as 605 Santa Fe, Block 71, Lot 10, Original Town Addition located at the corner of Atchley and Ezell; and whether to cause the cost of such work to be paid and levied as a special assessment against the properties at 7:29 P.M.

Building Inspector Doug Ballard told the Council that both of these properties were sub-standard and posed a danger to the public health. He explained to the Council that both of these properties had been boarded up and secured.

Mayor Tom Durlington then closed this Public Hearing at 7:33 P.M.

## **CONSENT AGENDA**

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

## **CONSIDERATION AND ACTION REGARDING POSSIBLE IMPROVEMENTS FOR PARKWAY PARK PARKING LOT PROJECT.**

City Manager Don Ives presented to the Council the architectural drawings regarding a parking lot for Parkway Park. He stated that he and the Mayor had attended the Alvarado Independent School Board Meeting and the school board had approved the funding for one-half of the cost of this project for Alternative E which has a total cost of \$423,865.00. He also explained to the Council that the Alvarado Economic Development Board had approved payment of \$105,966.00 which is one-fourth of the remaining cost. He asked the Council to fund the balance of \$105,066.00 for the project. Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Tom Moore, to approve the expenditure of \$105,966.00 for the Parkway Park parking lot project. This motion supported five votes in approval and zero votes opposed. Motion carried.

## **CONSIDERATION AND ACTION REGARDING CONTRACT FOR ENGINEERING SERVICES FOR PARKWAY PARK PARKING LOT PROJECT.**

Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Tom Moore, to approve the contract for engineering services in the amount of \$31,200.00 for the Parkway Park parking lot project. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING APPOINTMENT OF  
PLANNING AND ZONING BOARD MEMBERS.**

Sharon Vass, Community Development Director, addressed the Council in reference to the vacancy on the Planning and Zoning Board. She stated that Dr. Chris Tarwater would like to be a member of the board. Motion was made by Councilperson David Bayless, duly seconded by Councilperson Michael Rayburn to approve the appointment of Dr. Chris Tarwater to the Planning and Zoning Board. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING AND ORDINANCE  
REPEALING OF SUB-SECTION (3) (B), SECTION 51.35, OF THE ALVARADO  
CODE OF ORDINANCES REGARDING VACANCY HOLDS.**

Kelle Whitfill, Finance Director, addressed the Council in reference to repealing the vacancy hold portion of Section 51.35. She stated that we currently have vacation hold and did not need the vacancy hold at this time. Motion was made by Mayor Pro Tem Dewayne “Coach” Richters, duly seconded by Councilperson Michael Rayburn to approve the ordinance which repeals Sub-Section (3)(b), Section 51.35 of the Alvarado Code of Ordinances regarding vacancy holds. This motion supported five 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 ON FM 1807, OR PARTS THEREOF, WITHIN THE  
CORPORATE LIMITS OF THE CITY OF ALVARADO, TEXAS, AS SET OUT  
IN THIS ORDINANCE.**

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne “Coach” Richters to move approve the 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 on FM 1807, or parts thereof, within the corporation limits of the City of Alvarado, Texas, as set out in the ordinance. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING A REQUEST FOR VARIANCES FROM THE CITY OF ALVARADO CODE OF ORDINANCES, CHAPTER 111, TABLE 1, ENTITLED "SCHEDULE OF PERMANENT SIGNS" REGARDING THE HEIGHT AND SQUARE FOOTAGE OF A PROPOSED OFF-PREMISE POLE SIGN TO BE LOCATED ON LOT 2B AND THE SECOND ON LOT 5 OF THE VILLAGE PARK ADDITION.**

Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Tom Moore to approve the request for variances from the City of Alvarado Code or Ordinances, Chapter 111, Table 1, entitled "Schedule of Permanent Signs" regarding the height and square footage of a proposed off-premise pole sign to be located on Lot 2B and the second on Lot 5 of the Village Park Addition. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE COMBINATION PLAT OF TRACTS 49 AND 50 OF THE T. MATTY SURVEY, ABSTRACT 538, LOCATED AT 3009 OAK HILL ROAD, TO BE CALLED BLOCK 1, LOTS 1 AND 2 OF THE REED ESTATES.**

Motion was made by Mayor Pro Tem Dewayne "Coach" Richters, duly seconded by Councilperson Tom Moore to approve the combination plat of Tracts 49 and 50 of the T. Matty Survey, Abstract 538, to be called Lots 1 and 2 of the Reed Estates. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING THE COMBINATION PLAT OF TRACT 3 OF THE NC LAUGHLIN SURVEY, ABSTRACT 515, LOCATED AT 600 S. PARKWAY, TO BE CALLED BLOCK 1, LOT 1 OF THE SOUTH PARKWAY ADDITION.**

Motion was made by Councilperson Tom Moore, duly seconded by Mayor Pro Tem Dewayne "Coach" Richters, to approve the combination plat of Tract 3 of the NC Laughlin Survey, Abstract 515, located at 600 S. Parkway, to be called Block 1, Lot 1 of the South Parkway Addition. This motion supported five votes in approval and zero votes opposed. Motion carried.

**CONSIDERATION AND ACTION REGARDING WHETHER TO ORDER THE REPAIR, REMOVAL OR DEMOLITION OF THE FOLLOWING SUBSTANDARD PROPERTIES: BLOCK 74, LOT 3, ORIGINAL TOWN ADDITION KNOWN AS 605 SANTA FE, BLOCK 71, LOT 10, ORIGINAL TOWN ADDITION LOCATED AT THE CORNER OF ATCHLEY AND EZELL; AND WHETHER TO CAUSE THE COST OF SUCH WORK TO BE PAID AND LEVIED AS A SPECIAL ASSESSMENT AGAINST THE PROPERTIES.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn that the City Council of Alvarado, Texas find that such defects or conditions exist to the extent that the life, health, property, or safety of the public or occupancy of the buildings are endangered; and the buildings are infeasible of repair. We the City Council find the following violations of municipal standards present in the building: See attached list of violations labeled Exhibit "A". We the City Council order that the buildings be vacated within 72 hours and the Building Official or his designated representative shall post a Notice to Vacate at the property in accordance with Section 150.73(f) of the Code; and that the buildings be demolished by the owner, within 30 days of the effective date hereof; or that in the event the owner fails to demolish the building within 30 days of the effective date hereof, the buildings may be demolished by any of the mortgagees or lien holders, if any, within 30 days thereafter, and that the City will vacate, secure, remove, and/or demolish the buildings or relocate the occupants of the buildings if the ordered action is not taken within the time allotted, and charge the cost to the properties. The findings and orders set forth herein are effective this the 16<sup>th</sup> day of February, 2009. This motion supported five votes in approval and zero votes opposed. Motion carried.

**EXECUTIVE SESSION**

An Executive Session was not held at this meeting.

**CONSIDERATION AND ACTION REGARDING AMENDING SECTION 36.15 OF THE ALVARADO CODE OF ORDINANCES RELATING TO THE CITY MANAGER'S SALARY AND TERMS OF EMPLOYMENT AND PROVIDING AN EFFECTIVE DATE.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn to amend Section 36.15 of the Alvarado Code or Ordinances relating to the City Manager's salary and terms of employment. This motion supported five votes in approval and zero votes opposed. Motion carried.

Minutes  
Regular Meeting  
February 16, 2009  
Page Six

**CONSIDERATION AND ACTION REGARDING THE CITY MANAGER'S CONTRACT.**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Michael Rayburn to approve the City Manager's contract. This motion supported five votes in approval and zero votes opposed. Motion carried.

**ADJOURNMENT**

Motion was made by Councilperson Tom Moore, duly seconded by Councilperson Joe Sain to adjourn this regular meeting of the City Council of the City of Alvarado at 7:54 p.m. This motion supported five votes in approval and zero votes opposed. Motion carried.

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

\_\_\_\_\_  
Mayor Tom Durlington

ATTEST:

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