

CITY OF ALVARADO

County of Johnson

State of Texas

May 18, 2009

MINUTES

The City Council of the City of Alvarado met in Regular Session on Monday, May 18, 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
Dwayne Richters	*	Mayor Pro Tem
David Bayless	*	Councilperson
Michael Rayburn	*	Councilperson
Bruce Clark	*	Councilperson

Absent:

Tom Moore	*	Councilperson
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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 Durlington called this regular meeting to order at 7:04 P.M. Mayor Tom Durlington gave the invocation.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Kyle Duke from the Johnson County Little League explained what the association offered to young children in Alvarado. He stated that the creation of the Johnson County Little League will partner with existing sports associations within town to bring all cities together within Johnson County.

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PROCLAMATION

Mayor Pro Tem “Coach” Richters then proclaimed the month of May as “Motorcycle Safety and Awareness Month”.

PUBLIC HEARINGS

Mayor Tom Durlington opened the Public Hearing regarding the petition requesting annexation from Sabre Divisions, located at Lot 3, Block 1, of the Sabre Plaza Addition, an addition to Johnson County, Texas at 7:19 p.m. City Secretary Debbie Thomas explained the procedures required by law for voluntary annexation into the city. The city has to hold two public hearings and adopt the annexation ordinance within 90 days of the date of the request for voluntary annexation. At the June 15, 2009 council meeting, an ordinance will be prepared for annexation.

Mayor Tom Durlington then closed this Public Hearing at 7.20 P.M.

Mayor Tom Durlington opened the Public Hearing regarding the replat of Block 1, Lot 1 of the Shadywood Subdivision, Section 1 and Tract 12 of the William Balch Survey, Abstract 48, located at 6732 Hwy 67 E, to be called Lot 1 of the Veteran of Foreign Wars Addition at 7:20 P.M. Mr. Clifford Kinschew of the VFW explained to the Council that this replat was needed so that the property could be expanded to bring the handicapped facilities up to code.

Mayor Tom Durlington then closed this Public Hearing at 7:22 P.M.

Mayor Tom Durlington opened the Public Hearing regarding whether to order the repair, removal, or demolition of the following substandard structures: 111 W. Purdom, Block 19, Lots 1A & 2B, Original Town Addition, 203 Watson, Abstract 313, Tract 66 and Part of 44, Ira Glaze Survey, 208 W. Purdom, Block 9, Lots 9-10, Original Town Addition, 504 Santa Fe, Block 63, Lot 4A, Original Town Addition, 303 Watson, Abstract 313, Tract 71, Ira Glaze Survey, 703 Atchley, Abstract 770, Tract 24, A. Spiva Suvay at 7:23 P.M. Sharon Vass, Community Development Director explained to the council that all property owners and lien holders had received notification regarding this public hearing. Mr. Floyd Bartula addressed the council regarding the property located at 208 W. Purdom. He stated that he had just purchased the property and the cleaning process would take up to 30 days with the remodel and bringing the house up to code an addition 90 days. The property owner of 703 Atchley stated the mobile home would be demolished within two weeks.

Doug Ballard, Building Inspector, addressed the council in reference to the following structures:
111 W. Purdom – not up to code, deemed a dangerous and unsafe vacant building
203 Watson – not up to code, deemed a dangerous and unsafe building
504 Santa Fe – not up to code, also deemed a dangerous and unsafe building
303 Watson – not up to code, deemed a dangerous and unsafe building.

Mayor Tom Durlington then closed this Public Hearing at 7:36 P.M.

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CONSENT AGENDA

Motion was made by Councilperson Joe Sain and duly seconded by Councilperson Bruce Clark, to approve the Consent Agenda. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ELECTION OF MAYOR PRO TEM

Motion was made by Councilperson David Bayless and duly seconded by Councilperson Joe Sain to re-elect Dewayne “Coach” Richters as Mayor Pro Tem for the next twelve months. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE REPLATTING OF BLOCK 1, LOT 1 OF THE SHADYWOOD SUBDIVISION, SECTION 1 AND TRACT 12 OF THE WILLIAM BALCH SURVEY, ABSTRACT 48, LOCATED AT 6732 HWY 67 E, TO BE CALLED LOT 1 OF THE VETERAN OF FOREIGN WARS ADDITION.

Motion was made by Mayor Pro Tem “Coach” Richters, duly seconded by Councilperson Michael Rayburn to approve the replat of Block 1, Lot 1 of the Shadywood Subdivision, Section 1 and Tract 12 of the William Balch Survey, Abstract 48, located at 6732 Hwy 67 E, to be called Lot 1 of the Veteran of Foreign Wars Addition. This motion supported five 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

Ginger Smith addressed the council stating that she is opposed to the demolition of the city-owned building located at 100 W. College. Michael Percified presented a PowerPoint presentation also opposing the demolition of this wagon barn. After discussion, motion was made by Mayor Pro Tem “Coach” Richters, duly seconded by Councilperson Michael Rayburn, to table this item until the next regular council meeting so that research can be done to compare restoring this building versus demolition and the placement of a park on this property. This motion supported five 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 AND 36.81 OF THE CODE OF ORDINANCES, GOVERNING THE OFFICES OF PUBLIC WORKS DIRECTOR, CHIEF OF POLICE, FIRE CHIEF AND RELATING TO THE TENURE AND REMOVAL OF CITY OFFICERS.

After discussion, motion was made by Councilperson David Bayless, duly seconded by Councilperson Michael Rayburn to deny these amendments to the code of ordinances for the City of Alvarado. This motion supported three votes in approval (Sain, Bayless, Rayburn) and 2 votes against (Clark, Richters). Motion carried. At this time the Mayor would like to veto this vote but according to Texas State Law, a mayor can only veto if the ordinance was approved.

CONSIDERATION AND ACTION REGARDING ORDINANCE AMENDING SECTION 70.72 OF THE ALVARADO CODE OF ORDINANCES BY DESIGNATING THE SCHOOL ZONES ON CUMMINGS STREET AND MODIFYING THE SCHOOL ZONE HOURS; DIRECTING THE CITY MANAGER TO INDICATE THE NEW SCHOOL ZONE LOCATIONS AND TIMES WITH THE APPROPRIATE SIGNAGE.

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Bruce Clark to approve an ordinance regarding amending Alvarado Code of Ordinances, Section 70.72 designating the school zones on Cummings Street and modifying the school zone hours; directing the City Manager to indicate the new school zone locations and times with the appropriate signage. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING ALLIED WASTE SERVICES REQUESTED RATE INCREASE AND AMENDMENT TO APPENDIX I OF THE ALVARADO CITY CODE PROVIDING FOR SOLID WASTE COLLECTION SERVICE FEES.

Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem "Coach" Richters, to approve Allied Waste Services requested rate increase and amend Appendix I of the Alvarado Code of Ordinances providing for solid waste collection service fees. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING FIRE DEPARTMENT GRANTS RELATING TO THE PURCHASE OF A NEW EMS FIRST RESPONDER/RESCUE TRUCK AND TEN NEW SCBA'S.

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Bruce Clark to approve the fire department grants relating to the purchase of a new EMS first responder/rescue truck and ten new SCBA's. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE INTERLOCAL AGREEMENT WITH THE ALVARADO INDEPENDENT SCHOOL DISTRICT FOR USE OF PARKING LOT LOCATED ON PROPERTY AT 500 W. COLLEGE AVE.

Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Joe Sain to approve the Interlocal Agreement with the AISD for use of parking lot located on property at 500 W. College Ave. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING AN ORDINANCE AMENDING THE PERSONNEL POLICIES FOR THE CITY OF ALVARADO, TEXAS BY AMENDING SECTION 3.03 (A)(1) AND 4.04(A) RELATING TO STANDARD WORK PERIODS AND OVERTIME ISSUES FOR LAW ENFORCEMENT PERSONNEL.

Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Michael Rayburn to approve the ordinance amending the personnel policies of the City of Alvarado by amending Section 3.03 (a)(1) and 4.04(a) relating to standard work periods and overtime issues for law enforcement personnel. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING POLICE DEPARTMENT TOBACCO COMPLIANCE GRANT TO BE USED BY LOCAL LAW ENFORCEMENT AGENCIES TO ENFORCE AND REDUCE THE EXTENT TO WHICH CIGARETTES AND TOBACCO PRODUCTS ARE ILLEGALLY SOLD OR DISTRIBUTED TO PERSONS WHO ARE YOUNGER THAN 18 YEARS OF AGE.

Motion was made by Councilperson David Bayless, duly seconded by Councilperson Michael Rayburn to approve the grant for the police department tobacco compliance grant to be used by local law

enforcement agencies. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE AWARD OF CONTRACT FOR THE UPDATE OF THE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN.

Don Ives, City Manager, explained to the Council that the Parks Master Plan has to be redone in order to receive grants from the State of Texas. We received three bids with the DFL Group's bid of \$7,000.00 being the lowest. The Parks Board has made a recommendation to the council to accept DFL Group's bid. Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Bruce Clark to accept and award the contract for the update of the Parks, Recreation, and Open Space Master Plan to DFL Group not to exceed \$7,000.00. This motion supported five votes in approval and zero votes opposed. Motion carried.

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

Kelle Whitfill, Finance Director, addressed the council in reference to the RFP that was sent to several banks within the area for the contract for banking services for the city. She stated that two RFP's were submitted; one from First Financial Bank and the other from Wachovia Bank. She made a recommendation to the council that we accept and stay with First Financial Bank since they would provide banking services at no cost to the city. This contract would be for a period of two years with an option to extend three more years. Wachovia Bank had numerous charges and fees. Motion was made by Councilperson David Bayless, duly seconded by Mayor Pro Tem "Coach" Richters to accept the staff recommendation and stay with First Financial Bank. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING THE AWARD OF CONTRACT FOR PUBLIC WORKS BUILDING IMPROVEMENTS LOCATED AT 600 S. PARKWAY.

Don Ives, City Manager, explained to the council that RFP's had been sent to several contractors and that we had received three bids. At this time the staff recommends to the council that the award of contract go to Construction Services Unlimited not to exceed \$152,685.00. Motion was made by Mayor Pro Tem "Coach" Richters, duly seconded by Councilperson Michael Rayburn to award the contract for the public works improvements to Construction Services Unlimited not to exceed \$152,685.00. This motion supported five votes in approval and zero votes opposed. Motion carried.

CONSIDERATION AND ACTION REGARDING A JUSTICE ASSISTANCE GRANT THAT WILL COVER THE COST OF UPGRADING ALL OF THE POLICE RADIOS AND REPEATER EQUIPMENT TO BE ABLE TO SWITCH TO DIGITAL WHEN THE FEDERAL COMMUNICATIONS COMMISSION REQUIRES IT BY THE YEAR 2013.

Motion was made by Councilperson Michael Rayburn, duly seconded by Councilperson Bruce Clark to approve the Justice Assistance Grant requested by the Police Department. This motion supported five 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 SUBSTANDARD STRUCTURES: 111 W. PURDOM, BLOCK 19, LOTS 1A & 2B, ORIGINAL TOWN ADDITION, 203 WATSON, ABSTRACT 313, TRACT 66 AND PART OF 44, IRA GLAZE SURVEY, 208 W. PURDOM, BLOCK 9, LOTS 9-10, ORIGINAL TOWN ADDITION, 504 SANTA FE, BLOCK 63, LOT 4A, ORIGINAL TOWN ADDITION, 303 WATSON, ABSTRACT 313, TRACT 71, IRA GLAZE SURVEY, 703 ATCHLEY, ABSTRACT 770, TRACT 24, A. SPIVA SURVEY.

Motion was made by Councilperson Joe Sain, duly seconded by Mayor Pro Tem "Coach" Richters the City Council finds on the following properties: 111 W. Purdom, 203 Watson, 504 Santa Fe, 303 Watson, and 703 Atchley:

1. 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
2. The building is infeasible of repair.

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. That the building 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 of the Code; and
2. A. That the building 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 building 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 18th day of May, 2009.

This motion supported five votes in approval and zero votes opposed. Motion carried.

Motion was made by Councilperson Bruce Clark, duly seconded by Councilperson Michael Rayburn that the City Council finds the property located at 208 W. Purdom:

1. 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

2. It is probable that the building may be repaired within 120 days; however, there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time, beyond 120 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 120 days of the effective date hereof and that should the owner elect to repair the building:

i. such repair be performed in accordance with the attached schedule for the commencement and performance of the work (Exhibit "B") and the building shall be secured from unauthorized entry while performing the work; and

ii. progress reports shall be filed with the City Council every 30 days to demonstrate compliance with the work schedule set forth in the attached and incorporated Exhibit "B"; or

B. That in the event the owner fails to repair or demolish the building within 120 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

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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 cost to the property.

The findings and orders set forth herein are effective this 18th day of May, 2009.

This motion supported five votes in approval and zero votes opposed. Motion carried.

DISCUSS UPDATING BUILDING CODES AND FIRE CODES FROM THE 2003 INTERNATIONAL BUILDING CODES AND 2003 INTERNATIONAL FIRE CODE WITH AMENDMENTS FROM NCTCOG TO THE 2006 INTERNATIONAL BUILDING CODES AND 2006 INTERNATIONAL FIRE CODE WITH NCTCOG AMENDMENT.

Don Ives, City Manager, stated that it would be beneficial to update to the 2006 Codes as they have been amended. This item will be placed on the next regular council meeting agenda.

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 Bruce Clark to adjourn this regular meeting of the City Council of the City of Alvarado at 9:16 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

