



REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 24, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:02pm

City Council:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Chester Nolen, City Manager
- ✓ Rick Holden, Assistant City Manager
- X Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Wade Adkins, City Attorney

Division Directors:

- ✓ Jerry Cash, Economic Development
- ✓ David Esquivel, Public Works
- ✓ Bonita Hall, Human Resources
- ✓ Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- ✓ Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Greg Wilmore, Finance

Department Heads:

- ✓ Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning

Media:

- ✓ Matt Smith, Times-Review

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- II. INVOCATION by Councilman John Warren**
III. PLEDGE OF ALLEGIANCE
IV. CEREMONIAL MATTERS
V. CITY SECRETARY READS THE **GUIDELINES TO SPEAK BEFORE COUNCIL**

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

C1. MINUTES

APPROVAL OF MINUTES FOR THE **FEBRUARY 10, 2009 REGULAR COUNCIL MEETING.**

BQ1.

AUTHORIZE PURCHASE OF AN AMBULANCE FROM PROFESSIONAL AMBULANCE IN THE AMOUNT OF \$78,263.50.

Person presenting this item: Kim Galvin, Budget and Purchasing Manager

BRIEF: This purchase will be partially funded through a \$30,000.00 grant from the Texas Department of State Health Services approved at the February 10, 2009 Council meeting. The remaining cost will be funded through the vehicle replacement fund fire reserve. Professional Ambulance was awarded a Buyboard contract and therefore this purchase meets all competitive purchasing requirements.

BQ2.

RENEW ANNUAL FUEL SUPPLY CONTRACT WITH LAMBERT OIL FOR 9 CENTS PER GALLON PROFIT FOR ALL FUEL AND A 10% PROFIT ON ALL LUBRICANTS AND OILS.

Person presenting this item: Kim Galvin, Budget and Purchasing Manager

BRIEF: The fuel and lubricant supply was formally bid in March 2006. The terms and conditions of the bid included an option for four (4) one-year renewals if agreed upon by both parties. Lambert Oil has agreed to renew their contract at current pricing. Lambert Oil has been providing fuel and lubricants to the City for many years, and has always done so satisfactorily.

RS1. RS02-2009-10

A RESOLUTION AUTHORIZING AN AGREEMENT EXTENSION WITH FREESE & NICHOLS FOR REQUIRED GROUNDWATER AND METHANE MONITORING AT THE CITY LANDFILL.

Person presenting this item: David Esquivel, Director of Public Works

BRIEF: On January 8, 2008, Council authorized an agreement with Freese & Nichols for environmental monitoring at the City's landfill. TCEQ requires monthly methane and groundwater monitoring of sampling wells. The current agreement has expired. The City has the option to extend the agreement one year for a fee not to exceed \$46,000.00.

RS2. RS02-2009-11

A RESOLUTION AUTHORIZING AN AGREEMENT WITH EI TECHNOLOGIES, LLC TO PROVIDE GIS IMPLEMENTATION ASSISTANCE.

Person presenting this item: Kim Galvin, Budget and Purchasing Manager

BRIEF: EI Technologies, LLC will provide database design and conversion for city utility data and intranet and internet set-up for staff access to GIS data on demand. EI Technologies, LLC is an authorized dealer of Raven Environmental Services, Inc which was awarded a state contract through

Tx-MAS. This contract meets all competitive purchasing requirements. This project is funded with bond funds.

RS3. RS02-2009-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A JOINT ELECTION AND ELECTION SERVICES CONTRACT WITH JOHNSON COUNTY.

Person presenting this item: Ivy Peterson, Deputy City Secretary

BRIEF: Johnson County will be conducting a Local Option Election in the City of Cleburne on May 9th, the same day the City will hold it's General Election and CISD will hold their School Board Election. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters of Cleburne. This will combine Early Voting and Election Day polling places for all three entities, making it more convenient for voters. Contracting with the Johnson County Elections Administrator to conduct the elections should also provide for significant cost savings.

RS4. RS02-2009-13

A RESOLUTION SUPPORTING THE RAIL NORTH TEXAS INITIATIVE.

Person presenting this item: Chester Nolen, City Manager

BRIEF: The Regional Transportation Council has approved a legislative position on Rail North Texas for the 81st Texas Legislature as set out in RTC resolutions R08-08 and R08-11, and has requested each entity within the North Central Texas Council of Governments to transmit its position of support of the legislative proposals in these resolutions.

RS5. RS02-2009-14

A RESOLUTION AUTHORIZING EXPENDITURE OF \$23,757 FOR SHADE STRUCTURES AT THE CLEBURNE YOUTH SPORTS COMPLEX, AS REQUESTED BY 4B ECONOMIC DEVELOPMENT CORPORATION.

Person presenting this item: Max Robertson, Director of Parks and Recreation

BRIEF: On February 3, 2009 the 4B Board unanimously approved a joint venture with the Cleburne Baseball Association agreeing that each party would fund shade structures for one of two baseball fields located at the Sports Complex. Two shade structures will be installed at each of the fields; one over the 1st base bleachers and one over the 3rd base bleachers. These funds will be used to purchase one set of the shade structures.

OR1. OR02-2009-13

AN ORDINANCE ORDERING AN ELECTION TO BE HELD ON MAY 9, 2009, IN THE CITY OF CLEBURNE, TEXAS, AND A RUN-OFF ELECTION TO BE HELD, SHOULD SAME BE REQUIRED, ON JUNE 13, 2009, FOR THE PURPOSE OF ELECTING

COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS TWO AND THREE.

Person presenting this item: Ivy Peterson, Deputy City Secretary

BRIEF: This Ordinance constitutes Order and Calling of a General Election for the City of Cleburne, Texas, to be held on the second Saturday in May, which is May 9, 2009. This election will be held for the purpose of electing Councilmembers for Districts Two and Three.

OR2. OR02-2009-14

AN ORDINANCE AMENDING THE SPORTS COMPLEX AND 4B FUND BUDGET FOR THE FISCAL YEAR 2008-2009, BY ALLOCATING \$23,757.00 FROM THE 4B FUND BALANCE TO THE SPORTS COMPLEX, CAPITAL - STRUCTURES, 0157-8820.

Person presenting this item: Kim Galvin, Budget and Purchasing Manager

BRIEF: On February 3, 2009 the 4B Board unanimously approved a joint venture with the Cleburne Baseball Association agreeing that each party would fund shade structures for one of two baseball fields located at the Sports Complex. Two shade structures will be installed at each of the fields; one over the 1st base bleachers and one over the 3rd base bleachers. These funds will be used to purchase one set of the shade structures.

OC1. PULLED FROM CONSENT

ANNUAL REPORT TO CITY COUNCIL ON RACIAL PROFILING DATA FOR 2008.

MOTION: to approve with the exception of OC1 to be considered separately

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				Approved as presented
Boles			X				X Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ITEMS PULLED FROM CONSENT AGENDA

OC1.

ANNUAL REPORT TO CITY COUNCIL ON RACIAL PROFILING DATA FOR 2008.

Terry Powell, Chief of Police stated that a report is submitted to the City Council, pursuant to Cleburne Police Department's General Order 200.053 directing such report shall be made annually to the governing body of the City of Cleburne.

MOTION: None Required

ORDINANCES

OR3. WITHDRAWN

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150 - BUILDING REGULATIONS, BY AMENDING SECTIONS 150.017(B) BUILDING CODE, 150.018(A) RESIDENTIAL CODE, 150.030(B) MECHANICAL CODE, 150.035(C) FUEL GAS CODE AND 150.041(C) PLUMBING CODE AS IT RELATES TO THE DURATION OF AN ISSUED PERMIT.

Donna Jackson, Director of Development Services stated that all amendments would require that permitted work be completed within 180 days, however 60 day extensions may be granted by the Building Official if deemed necessary. These amendments would also require that the permittee obtain a new permit at full price if the work is not completed within the 180 days. This permit duration amends the following codes: 2003 International Building Code (§105.5); 2003 International Residential Code (§105.5); 2003 International Mechanical Code (§106.4.3 & §106.4.4); 2003 International Fuel Gas Code (§106.4.3 & 106.4.4); and 2003 International Plumbing Code (106.5.3 & 106.5.4).

MOTION: None - Withdrawn by Staff

**OPENED PUBLIC HEARING*

OR4. OR02-2009-15

AN ORDINANCE REZONING 1720 WEST HENDERSON STREET FROM C2 (GENERAL BUSINESS DISTRICT) AND SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT), AS REQUESTED BY SHREE-HARI, INC., REPRESENTED BY DUMAS LAND SURVEYING, INC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission (P&Z) considered this request at its meeting of January 26, 2009. Notice was given as required by State law and the property owners within 200 feet were notified. The Comprehensive Land Use Plan shows this area to be commercial and low density residential. We have received requests for information, but no objections. P&Z recommended approval of this request by a vote of 5-0.

Speakers: None, but proponent was present

**CLOSED PUBLIC HEARING*

MOTION: to approve

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				X Approved as presented
Boles		X	X				Approved as amended
Force			X				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:

X	Motion Carried	<input type="checkbox"/>	Motion Failed	<input type="checkbox"/>	<input type="checkbox"/>	Roll Call
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***OPENED PUBLIC HEARING**

OR5. OR02-2009-16

AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF AN UN-NAMED AND UN-OPENED EAST/WEST STREET BETWEEN BLOCKS 59 (446), 60 (445), 61 (447), AND 204 ACCORDING TO THE 1899 ORIGINAL MAP OF CLEBURNE, LOCATED SOUTH OF COUNTRY CLUB ROAD, EAST OF HILLSBORO STREET AND WEST OF MAIN STREET, AS REQUESTED BY MONTE SWATZELL.

Donna Jackson, Director of Development Services stated that notice was sent to all adjoining property owners, utility companies, development and transportation services, Public Works, Fire and Police Departments. The north/south street shown on both the survey map prepared by Recer & Fox, Inc. and the 1899 Original Map of Cleburne was closed by Ordinance dated December 10, 1974. If this east/west street is closed, title to one-half of the closed street will revert to the owners of the adjacent property on each side of the street as of the date of adoption of the Ordinance and the Ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

Speakers: None, but proponent was present

***CLOSED PUBLIC HEARING**

MOTION: to approve

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boles			X				Approved as amended
Force			X				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:

X	Motion Carried	<input type="checkbox"/>	Motion Failed	<input type="checkbox"/>	<input type="checkbox"/>	Roll Call
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OTHER COUNCIL MATTERS

***OPENED PUBLIC HEARING**

OC2.

APPROVE RE-PLAT OF LOT 2-R1 AND 2-R2, BLOCK 12, NORTH ANGLIN HEIGHTS ADDITION, KNOWN AS 102 HURON STREET, AS REQUESTED BY AGUSTIN CARRIZALES.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meetings of January 12 and January 26, 2009. Notice was given as required by State law and the property owners within 200 feet were notified. The Comprehensive Land Use Plan shows this area to be mixed use-transitional use. Both properties will be addressed off of Bryan. The house on Lot 2-R-1 has a door facing Bryan. Both properties meet the minimum

lot standards for the City. On Lot 2-R-1, the Building Official has advised Mr. Carrizales that the existing accessory building will have to be either completed or demolished. We have received inquiries but no objections. P&Z recommended approval by a vote of 5-0.

Speakers: None, but proponent was present

***CLOSED PUBLIC HEARING**

MOTION: to approve

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boles			X				Approved as amended
Force			X				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

OC3.

APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.

Donna Jackson, Director of Development Services stated that Sharon Corder's first term expires February 26th. Mrs. Corder is eligible and willing to serve a second term if reappointed.

MOTION: to reappoint Sharon Corder to a 2nd term

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				X Approved as presented
Boles		X	X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

OC4.

APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Donna Jackson, Director of Development Services stated that Roger Pedigo's first term expires February 13th. At this time, he does not wish to serve a 2nd term so a replacement is needed.

MOTION: None, move to Mar 10 agenda

OC5.

APPOINTMENT TO THE MUSEUM ADVISORY BOARD.

Greg Wilmore, Director of Finance stated that O’Ferrall Pauly’s 1st term expired February 13th. He is

eligible and willing to serve a 2nd term should he be reappointed. Karen Jones' 2nd term on the board expired December 2008. Staff recommends for your consideration Barbara Chayer or Linda Walden for Ms. Jones' replacement and to reappoint Mr. Pauly.

MOTION: to reappoint O'Ferrall Pauly and appoint Linda Walden

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boles			X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

CITIZENS COMMENTS

ADJOURNED AT: 7:21pm

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: March 10, 2009



ATTEST:

Shelly Doty

 Shelly Doty, City Secretary

CITY OF CLEBURNE

Fred Reynolds

 Fred Reynolds, Mayor