



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

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

**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
- ✓ 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 Max Robertson**

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Employee Recognitions

Kim Galvin, Finance

Kristi Dempsey, Parks & Recreation

**V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL**

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**CONSENT ITEMS**

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**C1. MINUTES**

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

**RS1. RS03-2009-16**

**A RESOLUTION APPROVING AN UPDATED INVESTMENT POLICY FOR THE CITY OF CLEBURNE.**

Person presenting this item: Greg Wilmore, Director of Finance

**BRIEF:** The Public Funds Investment Act, Chapter 2256, Subchapter A states that the City must have a written policy, reviewed annually, designating one or more investment officers, with primary emphasis being safety of principal and liquidity addressing investment diversification, yield, and maturity. The policy meets all requirements of this act.

**RS2. RS03-2009-17**

**A RESOLUTION APPROVING QUARTERLY INVESTMENT REPORT FOR QUARTERS ENDING JUNE 30, SEPTEMBER 30, AND DECEMBER 31, 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**BRIEF:** Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. The report should cover investment transactions for all funds covered by the Act for the preceeding period. The report must cover the following:

- 1) describe in detail the investment position of the entity on the date of the report;
- 2) be prepared jointly by all investment officers of the entity;
- 3) be signed by each investment officer of the entity;
- 4) contain a summary statement of each pooled fund group that states the a) beginning market value for the reporting period, b) additions and changes to the market value during the period, c) ending market value for the period, and d) interest earned for the reporting period;
- 5) state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- 6) state the maturity date of each separately invested asset that has a maturity date;
- 7) state the account or fund or pooled group fund in the local government for which each individual investment was acquired;
- 8) state the compliance of the investment portfolio of the local government as it relates to; a) the investment strategy expressed in the local government's investment policy, and b) relevant provisions of the Act.

**RS3. RS03-2009-18**

**A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH JOHNSON COUNTY AVIATION, INC. FOR GROUND LEASE, TRACT #1010 AT THE CLEBURNE MUNICIPAL AIRPORT.**

Person presenting this item: Donna Jackson, Director of Development and Transportation Services

**BRIEF:** This will create a 25 year ground lease with a 15 year option for tract #1010 for a proposed hangar.

RS4. RS03-2009-19

**A RESOLUTION ACCEPTING TEXAS DEPARTMENT OF TRANSPORTATION ELDERLY & DISABLED 5310 GRANT IN THE AMOUNT OF \$20,000.00 IN FEDERAL FUNDS FOR PREVENTATIVE MAINTENANCE FOR CITY/COUNTY TRANSPORTATION DEPARTMENT.**

Person presenting this item: Donna Jackson, Director of Development and Transportation Services

**BRIEF:** City/County Transportation (Cletran) has been awarded \$20,000 in Elderly & Disabled Funding from TxDOT requiring a match of \$5,000. This money will be used for preventative maintenance during FY 2009-2010 for Cletran.

RS5. RS03-2009-20

**A RESOLUTION ACCEPTING TEXAS DEPARTMENT OF TRANSPORTATION 5311 FEDERAL RURAL PUBLIC TRANSPORTATION FUND GRANT IN THE AMOUNT OF \$204,408.00 TO BE USED FOR ADMINISTRATIVE AND OPERATING EXPENSES FOR CITY/COUNTY TRANSPORTATION DEPARTMENT.**

Person presenting this item: Donna Jackson, Director of Development and Transportation Services

**BRIEF:** City/County Transportation (Cletran) has been awarded \$204,408 in Federal Rural Public Transportation funding from TxDOT. This grant will be used during the FY 2009-2010 year and will be spent on the following: \$34,749 will be used toward administrative expenses and \$169,659 will be used toward operating expenses. No match is required.

OR1. OR03-2009-21

**AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATE IN THE MAY 9, 2009 GENERAL CITY ELECTION FOR SINGLE MEMBER DISTRICT THREE, ELECTED TO OFFICE.**

Person presenting this item: Shelly Doty, City Secretary

**BRIEF:** Pursuant to Election Code §2.051, in a city in which any of the members of the City Council are elected from single member districts, the election may be canceled in a single member district if:

- 1) each candidate whose name is to appear on the ballot in that district is unopposed; and
- 2) it is an election in which write-in votes may be counted only for names appearing on a list of write-in candidates; and
- 3) no proposition is to appear on the (City's) ballot.

The candidate for Single Member District Three has been declared unopposed by certification of the City Secretary, as provided for in the Election Code. Upon certification, the City Council may, by ordinance, declare the unopposed candidate elected to office. The candidate will receive their Certificate of Election and be sworn in at the same time as opposed candidates.

Voters in District 3 will still have the opportunity to vote for school board trustee and local option propositions.

**OC1.**

**APPROVE FINAL PLAT OF LOT 1, BLOCK 1, SUNRISE PLACE (LOCATED AT 1720 WEST HENDERSON AND BEING 2.509 ACRES OF THE H. & T. C. R. R. CO. SURVEY); REQUESTED BY SHREE-HARI, INC.; REPRESENTED BY DUMAS LAND SURVEYING, INC.**

Person presenting this item: Donna Jackson, Director of Development and Transportation Services

**BRIEF:** The Planning and Zoning Commission considered this request at its meeting of March 9, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and low density residential. We have received inquiries but no objections. P&Z recommended approval by a vote of 5-0.

**MOTION: to approve in its entirety**

	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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**RESOLUTIONS**

**RS6. RS03-2009-21**

**A RESOLUTION AUTHORIZING A CONSULTING SERVICES AGREEMENT WITH TRI-STEM, LTD. FOR ELECTRIC UTILITY AUDIT.**

Greg Wilmore, Director of Finance stated that Tri-Stem will conduct an audit and study of our prior electric utility billings (including street light bills) to determine if the amounts paid by our city were correct. This firm will collect a fee only if they find items where we get a refund. The fee is 49% of the findings but future savings will be the Cities. The fee that we pay, if any, will come out of the savings and therefore there will not be a cost to the City. With our CAPP group using Direct Energy for billing it will be very easy for Tri-Stem as they have done this for a number of other CAPP cities.

**MOTION: to approve as presented**

	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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**ORDINANCES**

**OR2. OR03-2009-22**

**AN ORDINANCE AUTHORIZING THE ISSUANCE WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2009A.**

Greg Wilmore, Director of Finance stated that on January 8, 2009 Council approved a financing agreement with the Texas Water Development Board for financial assistance from the Water Infrastructure Fund (WIF) administered by the board. The City has identified a total of \$5.930 Million of projects for that funding in two projects. This funding would allow the City to plan, design, and permit the phases to implement water management strategies identified in the 2006 Region "G" Water Plan and the 2007 State Water Plan. The two projects include the following: 1) A Lake Whitney Water Supply Project including a deep water intake structure, diversion pump station, and a raw water pipeline-2009B-\$4.750M, and 2) A 5.0 MGD expansion to the City's existing water treatment plant-2009A-\$1.180M. Both projects address the immediate as well as the long term sustainable water supply for the Citizens of Cleburne.

Speakers: Jim Sabonis, 1<sup>st</sup> Southwest Company, gave a brief overview of bond financials for OR2 and OR3  
 Alden Nellis spoke in favor of OR2 and OR3 but suggested the alternative of a second lake

**MOTION: to approve as presented**

	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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**OR3. OR03-2009-23**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B.**

Greg Wilmore, Director of Finance stated that on January 8, 2009 Council approved a financing agreement with the Texas Water Development Board for financial assistance from the Water Infrastructure Fund (WIF) administered by the board. The City has identified a total of \$5.930

Million of projects for that funding in two projects. This funding would allow the City to plan, design, and permit the phases to implement water management strategies identified in the 2006 Region "G" Water Plan and the 2007 State Water Plan. The two projects include the following: 1) A Lake Whitney Water Supply Project including a deep water intake structure, diversion pump station, and a raw water pipeline-2009B-\$4.750M, and 2) A 5.0 MGD expansion to the City's existing water treatment plant-2009A-\$1.180M. Both projects address the immediate as well as the long term sustainable water supply for the Citizens of Cleburne.

**MOTION: to approve as presented**

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

**OR4. DENIED**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO RELEASE ADMINISTRATIVE FEES ASSOCIATED WITH MOWING LIENS AGAINST 406 CRANE, AS REQUESTED BY CLIFFORD W. THOMAS, JR.**

Shelly Doty, City Secretary stated that Clifford Thomas has requested to have the administrative fees be waived on the mowing liens filed against the property on 406 Crane which he owns, but is trying to sell. The city mowed the property 4 times in 2008 accumulating administrative fees of \$600 (\$150.00 for each mowing). The total due for mowing is \$205.00 plus \$39.41 in interest, total payoff being \$844.41 to release the liens. Mr. Thomas says he bought the house for his daughter and her family to live in which they eventually abandoned the house without notifying him nor sending the notices concerning mowing from the City to him. Mr. Thomas did not notify the Johnson County Tax Office of his address in San Antonio so CAD information did not reflect the proper address for code enforcement notification.

**MOTION: to deny**

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

**\*OPENED PUBLIC HEARING**

**OR5. 2<sup>nd</sup> Reading**

**AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND OTHER PUBLIC PROPERTY (PUBLIC RIGHTS-OF-WAY) OF CLEBURNE, TEXAS.**

Greg Wilmore, Director of Finance stated that this is the second of three readings in order to approve this Franchise Agreement with Oncor Electric Delivery Company LLC. On October 14, 2008 Council approved an extension of the existing Agreement with Oncor until June 30, 2009. Wade Adkins with Taylor, Olson, Adkins, Sralla & Elam, LLP has been working on an acceptable franchise agreement with Oncor. A summary would include the following highlights:

- 1) 15 year term until Dec. 31, 2023,
- 2) Annual payments equal to 4% of gross revenues,
- 3) Adherence to the City's Right-of-Way ordinance,
- 4) Records kept and reports available for inspection, and
- 5) Right to terminate with cause.

Speakers: None

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve as presented**

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

**OTHER COUNCIL MATTERS**

**\*OPENED PUBLIC HEARING**

**OC2.**

**APPROVE FINAL PLAT OF LOT 31-R, BLOCK 818, BELLEVUE PLACE ADDITION (LOCATED AT 809 WESTHILL DRIVE), REQUESTED BY M.T. AND PHYLLIS SANDLIN; REPRESENTED BY DUMAS LAND SURVEYING, INC.**

Donna Jackson, Director of Development and Transportation Services stated that the Planning and Zoning Commission considered this request at its meeting of February 23, 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 low density residential. We have received inquiries but no objections. P&Z recommended approval by a vote of 6-0.

\*Mayor Reynolds filed a conflict of interest affidavit and abstained from discussion and voting on this item

Speakers: None

*\*CLOSED PUBLIC HEARING*

**MOTION: to approve as presented**

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

**OC3. WITHDRAWN**

**ACCEPTANCE OF THE SEPTEMBER 30, 2008 AUDIT FOR THE CITY OF CLEBURNE, TEXAS.**

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**CITIZENS COMMENTS**

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None

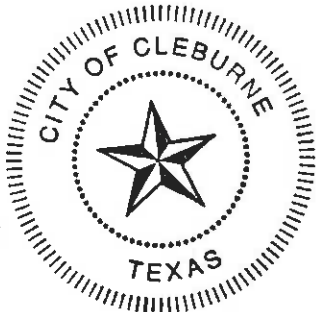
**ADJOURNED AT: 7:30 P.M.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: April 14, 2009**



ATTEST:

*Shelly Doty*  
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 Shelly Doty, City Secretary

CITY OF CLEBURNE

*Ted Reynolds*  
 \_\_\_\_\_  
 Ted Reynolds, Mayor