



REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 11, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:00 PM

City Council:

Ted Reynolds, Mayor
 John Warren, Mayor Pro Tem
 Dr. Bob Kelly, SMD 1
 Gayle White, SMD 2
 Dale Sturgeon, SMD 3

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
 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

II. INVOCATION by Rev. Wayne Ashlock, First Christian Church

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE JULY 28, 2009 REGULAR COUNCIL MEETING.

BQ1.

REJECT BIDS FOR THE AIRPORT TERMINAL RAMP.

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

BRIEF: Bids for the Airport Terminal Ramp were received and opened on July 29, 2009. It is the recommendation of staff that we reject the bids received. The bids were 2 times higher than the probable construction costs. The scope of the bid will be further defined and expanded by the engineering firm contracted for this project.

RS1. RS08-2009-57

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH EI TECHNOLOGIES, LLC FOR COMPLETION OF THE GIS PROGRAM.

Person presenting this item: Willie Resto, Information Technology Manager

BRIEF: In February 2009 the Council authorized contracting with EI Technologies LLC for the first phase of this project. This phase of the project will complete the utilities portion of the GIS maps. These maps will then be available to departments and citizens throughout the City.

RS2. RS08-2009-58

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE COOPERATION CONTRACT WITH THE STATE OF TEXAS DEPARTMENT OF PUBLIC SAFETY FOR PURCHASE OF DRUG TESTING EQUIPMENT FOR THE POLICE DEPARTMENT.

Person presenting this item: Terry Powell, Chief of Police

BRIEF: The Interlocal Cooperation Contract provides access to purchase intoxilyzer mouthpieces, alcohol blood test kits, urine specimen kits, and syringe transport tubes.

RS3. RS08-2009-59

A RESOLUTION ADOPTING AN UPDATED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

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

BRIEF: On December 12, 1995, Council passed resolution RS12-1995-64 adopting the City's Water Conservation and Drought Contingency Plan. Under Texas Administrative Code Title 30, Chapter 288 the plan is required to be updated every 5 years. The plan was updated in August 1999, amended in August 2004 for additional water rights and February 2006 to include indirect reuse water rights and additional drought provisions. The plan was last updated in November 2004. It is now time to adopt the 2009 updated plan.

OR1. OR08-2009-48

AN ORDINANCE AMENDING THE 2008-2009 BUDGET BY TRANSFERRING \$100,000 FROM MIS PROFESSIONAL SERVICES ACCOUNT 0138-8664, AND \$13,173 FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECT FUND MISCELLANEOUS

SERVICES ACCOUNT.

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

BRIEF: This budget change will fund the completion of the GIS project which began in 2005.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF JULY 2009.

Person presenting this item: Greg Wilmore, Director of Finance

OC2.

APPROVE FINAL PLAT OF LOTS 1 AND 2, BLOCK ONE, NORTH MAIN INDUSTRIAL PARK (LOCATED AT 3334, 3360 AND 3400 NORTH MAIN STREET), REQUESTED BY D. SCOTT SONNTAG AND REAGAN GREENHAW.

Person presenting this item: Ann Powell, Planning and Zoning Coordinator

BRIEF: The Planning and Zoning Commission (P&Z) considered this request at its meeting of July 13, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and industrial. We have received neither inquiries nor objections. This plat meets the platting requirements for the City. P&Z recommended approval by a vote of 6-0.

MOTION: to approve in its entirety

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

ORDINANCES

OR4.

OR08-2009-49

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,297,000.

Greg Wilmore, Director of Finance stated that the above bonds are the third part in the three-part funding of the Siemens Energy and Water Meter Project. The first two parts will be funded by State Energy Conservation Office (SECO) with the balance of \$2.297M funded by the private placement of the above Bonds.

MOTION: to approve as presented

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

OR2. OR08-2009-50

AN ORDINANCE AMENDING CHAPTER 120, "ALCOHOLIC BEVERAGE SALES", OF THE CODE OF ORDINANCES, SECTION 120.04 "SALE OF ALCOHOLIC BEVERAGES NEAR CHURCHES, PUBLIC HOSPITALS, PUBLIC OR PRIVATE SCHOOLS" BY ADDING SECTION 120.04(f), PROVIDING FOR A DISTANCE REGULATION VARIANCE PROCEDURE.

Shelly Doty, City Secretary stated that this amendment would provide a procedure for businesses that are within the prohibited 300 foot distance to request a variance from the City Council. We have been contacted by two of the business owners that were denied due to distance from a school. Should Council determine that enforcement of the regulation is not in the best interest of the public, constitutes waste or inefficient use of land, creates an undue hardship on the applicant, does not serve its intended purpose, or is not effective or necessary, you may grant a variance. Notice of the variance request will be published in the Times Review and will be mailed to surrounding property owners; then a public hearing will be held at a regular Council meeting. Should you choose to approve this ordinance I would ask that you consider charging a fee of \$330, instead of the \$150 in the proposed ordinance, to cover the cost of publication.

Speakers: Sharon Corder spoke in opposition

MOTION: to approve as presented

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

OR3. OR08-2009-51

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ON US HIGHWAY 67, WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEBURNE, AS REQUESTED

BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

David Esquivel, Director of Public Works stated that TxDot recommends the City accept by Ordinance the speed limit of 65 MPH for the portion of US Hwy 67 Bypass within the city limits. This area is from the eastern city limits near CR 801 to the western city limits near the Nolan River. There has been no prior speed zone requested by TxDot.

MOTION: to approve as presented

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

OTHER COUNCIL MATTERS

OC3.

SET DATES FOR PUBLIC HEARINGS ON THE 2009 TAX RATE AS REQUIRED BY SECTION 5.05 OF THE TAX CODE, ALSO KNOWN AS "TRUTH-IN-TAXATION."

Greg Wilmore, Director of Finance stated that this is the first step in the Truth-in-Taxation process that is necessary when a proposed rate \$.62/\$100 valuation exceeds the effective rate \$.5965/\$100 valuation. The taxing unit's governing body must vote to place a proposal to adopt the rate on the action agenda of a future meeting. This vote must be recorded and the proposal must specify the proposed rate. If the motion passes, the governing body must schedule two public hearings on the proposal. Staff suggests that the public hearings be scheduled as follows:

Regular Council Meeting - Tuesday, August 25, 2009 at 7:00pm; and

Special Council Meeting - Tuesday, September 1, 2009 at 6:00pm

Both meetings will be held at City Hall, 10 North Robinson, Cleburne, TX. This action would meet all requirements of the Tax Code.

MOTION: to approve as presented

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

OC4.

APPOINTMENTS TO THE BUILDING AND STANDARDS COMMISSION.

Clint Ishmael, Fire Chief stated that Staff requests reappointment of Kent Williams (1st term expires 9/11). Also, Wendell White's 2nd term expired in June so a replacement is needed.

MOTION: to reappoint Kent Williams and appoint Robert Rudzavice

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

OC5.

APPOINTMENTS TO THE LAYLAND MUSEUM ADVISORY BOARD.

Greg Wilmore, Director of Finance stated that Staff requests Council replace Diann Wilmart. Her second term expired July 2009 and she is not eligible to be reappointed.

MOTION: to appoint Gary McCoy

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

OC6.

APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD.

Max Robertson, Director of Parks and Recreation stated Gary Wylie completed his second term on the board and is not eligible for reappointment. Lonnie Watson completed his first term and does not wish to be reappointed due to a business conflict. The Parks and Recreation Board met on July 20, 2009 and recommended to the City Council three individuals from which to choose as replacements for two vacant positions. Those recommended include: Randy L. Stone, John R. Parks or Burt E. Powell. All have completed applications and are willing to serve.

MOTION: to appoint Randy Stone and Burt Powell

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

CITIZENS COMMENTS

None

ADJOURNED AT: 7:29 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: August 25, 2009

CITY OF CLEBURNE



Ted Reynolds, Mayor

ATTEST:



Shelly Doty, City Secretary