



REGULAR CITY COUNCIL MEETING MINUTES
JANUARY 12, 2010
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
- ✓ Debra Powledge, Human Resources
- ✓ 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 Reverend Steve Dill, Southwest Family Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE DECEMBER 8, 2009 REGULAR COUNCIL MEETING AND DECEMBER 18, 2009 SPECIAL COUNCIL MEETING.

BQ1.

AUTHORIZING PURCHASE OF AUDIO/VISUAL EQUIPMENT FOR CLEBURNE

CONFERENCE CENTER FROM VISUAL CANDY RESOURCES IN THE AMOUNT OF \$49,717.98.

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

BRIEF: Written quotes were requested from Visual Candy Resources, Able Communications (which didn't include audio) and Ford Audio (no bid). VCR is the low quote for this equipment and is within the approved FY 09-10 budget.

BQ2. PULLED FROM CONSENT

AWARD AIRPORT FUEL FARM CONSTRUCTION CONTRACT TO BASSCO SERVICES, INC IN THE AMOUNT OF \$736,836.59.

RS1. RS01-2010-01

A RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATIONAL PERMIT FOR 2010 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING AMBULANCE SERVICES IN THE CITY OF CLEBURNE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: CareFlite Ambulance Service is requesting renewal of their operational permit to provide ambulance service for the City of Cleburne. They have satisfied all requirements for their 2010 renewal.

RS2. RS01-2010-02

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2010 TO RICK'S WRECKER SERVICE FOR PROVIDING WRECKER SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Rick's Wrecker Service is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne for the year 2010. All required applications, inspections, certificates and fees have been submitted as required.

RS3. RS01-2010-03

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2010 TO PRINE TOWING & RECOVERY, INC. FOR PROVIDING WRECKER SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Prine Towing & Recovery is requesting the renewal of a Certificate of Public Convenience

& Necessity to provide wrecker services in the City of Cleburne for the year 2010. All required applications, inspections, certificates and fees have been submitted as required.

OR1. WITHDRAWN BY STAFF

AN ORDINANCE AMENDING THE GENERAL FUND FOR THE 2009/2010 BUDGET, BY ALLOCATING THE REMAINING BALANCES OF PERSONNEL ACCOUNTS FOR CLEBURNE CONFERENCE CENTER MANAGEMENT SERVICES.

OR2. OR01-2010-01

AN ORDINANCE AMENDING THE AIRPORT FUND FOR THE 2009/2010 BUDGET FOR THE CONSTRUCTION OF AN AIRPORT FUEL FARM.

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

BRIEF: This budget change will fund the airport fuel farm construction: \$200,000 currently budgeted in the Capital - Structures account, \$100,000 budgeted in the Capital - Walks & Fences account, and \$300,000 from fund balance. Staff is currently working with the contractor to reduce construction costs to approximately \$600,000.

OR3. OR01-2010-02

AN ORDINANCE AMENDING THE 2009/2010 BUDGET TO PROVIDE FOR PAYMENT OF TCEQ FEES.

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

BRIEF: This budget change will provide funding for the increased TCEQ fees mandated by the Legislature and approved by Council in November 2009.

OR4. OR01-2010-03

AN ORDINANCE AMENDING THE 2009/2010 BUDGET PROVIDING FOR THE RECEIPT AND EXPENDITURE OF CLETRAN GRANT FUNDS.

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

BRIEF: Council approved three grants in 2009 for Cletran. These grants were for the Routing and GPS system, a parking lot, and sidewalks. Funds will be expensed during this fiscal year for the Routing and GPS system and the parking lot. However, the sidewalks project will begin at a later date.

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2009.

Person presenting this item: Greg Wilmore, Director of Finance

OC2. PULLED FROM CONSENT

APPROVE FINAL PLAT OF LOTS 7R-1, 7R-2 AND 7R-3, BLOCK 43 (LOCATED AT 207 AND 209 GRAHAM AVENUE), AS REQUESTED BY KENNETH OWEN COOK, REPRESENTED BY DUMAS LAND SURVEYING, INC.

OC3.

APPROVE FINAL PLAT OF LOT 1, MARIO'S PLACE (LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE AT THE SOUTHWEST INTERSECTION OF CR 1126A AND CR 1228), AS REQUESTED BY STEVEN M. CAPPER AND KAREN L. CAPPER.

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

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of December 14, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be low density residential. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 7-0.

OC4.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CLEBURNE CONFERENCE CENTER ADDITION (BEING 9.584 ACRES OF THE L.J. HALE SURVEY LOCATED AT 1501 WEST HENDERSON), AS REQUESTED BY THE CITY OF CLEBURNE, REPRESENTED BY DUMAS LAND SURVEYING, INC.

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

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of November 23, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be commercial and low density residential, public and commercial. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 5-0.

OC5.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, PIERCE ADDITION (LOCATED AT 328 EAST VAUGHN ROAD), AS REQUESTED BY JOE AND HEIDI PIERCE, REPRESENTED BY DUMAS LAND SURVEYING, INC.

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

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of November 23, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be industrial. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 5-0.

MOTION: to approve with the exception of OR1 which was withdrawn, and BQ2 and OC2 to be considered separately

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

ITEMS PULLED FROM CONSENT AGENDA

BQ2.

AWARD AIRPORT FUEL FARM CONSTRUCTION CONTRACT TO BASSCO SERVICES, INC IN THE AMOUNT OF \$736,836.59.

Kim Galvin, Budget and Purchasing Manager stated that bids were received and evaluated on December 9, 2009. References were checked by staff. This project will provide fuel services for the new flight school as well as cross country flights.

Speaker: Alden Nellis asked for clarification of funding. Staff stated that the funds are all Airport Funds.

MOTION: to approve as presented

	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>

OC2.

APPROVE FINAL PLAT OF LOTS 7R-1, 7R-2 AND 7R-3, BLOCK 43 (LOCATED AT 207 AND 209 GRAHAM AVENUE), AS REQUESTED BY KENNETH OWEN COOK, REPRESENTED BY DUMAS LAND SURVEYING, INC.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of December 14, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and open space/flood plains. We have received no inquiries or objections. The applicant has requested a waiver of curb, gutters and sidewalks. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 7-0 with approval of the request for waiver of curb, gutters and sidewalks. If Council approves the plat the motion should also address the request for waiver of curb, gutters and sidewalks.

Speaker: Eric Dumas, representative for the proponent, spoke in favor of the item

MOTION: to approve without waiver of curb, gutter and sidewalks

	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	Motion Carried		Motion Failed				Roll Call

*Councilmember Kelly suggested a revision to the Ordinance to better clarify the waiver process. City Manager Nolen stated that the Staff would bring a revision for Council consideration at a later date.

RESOLUTIONS

RS4. WITHDRAWN BY STAFF

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERIM MANAGEMENT SERVICES AGREEMENT WITH THE CLEBURNE CHAMBER OF COMMERCE TO OPERATE AND MANAGE THE CLEBURNE CONFERENCE CENTER FROM MARCH - SEPTEMBER 2010.

RS5. RS01-2010-04

A RESOLUTION APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BROAN-NUTONE STORAGE SOLUTIONS (BNSS) AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT.

Jerry Cash, Director of Economic Development stated that Broan-Nutone Storage Solutions (BNSS), formerly Rangaire Corp. has been manufacturing residential market products in Cleburne for over 60 years including HVAC units, vent-a-hood units, lighting equipment and more recently storage cabinets for the housing markets. Economic conditions in the housing market and economy in general in 2008 and 2009 have caused severe economic pressures on this industry/business and could lead to closure or relocation to cheaper labor markets if some relief is not offered. There are 170 jobs that are at risk with \$6.9 million in payroll and \$6.3 million in local purchases. Their vent a hood business was moved to Mexico in 2008 for similar market issues. BNSS also supports numerous community organizations with volunteer labor and contributions.

Alan Crawford, BNSS Plant Manager, spoke in favor of this item.

MOTION: to approve as presented

Motion	Second	Aye	No	Abstain	Absent	Result
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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>

RS6. RS01-2010-05

A RESOLUTION ADOPTING A REVISED PREVAILING WAGE RATE FOR THE CITY OF CLEBURNE.

Kim Galvin, Budget and Purchasing Manager stated that Chapter 2258 of the Texas Government Code states that a worker employed on a public work by a municipality shall be paid not less than the current prevailing rate of wages for work of a similar character in the locality in which the work is performed. The Department of Labor in accordance with the Davis-Bacon Act performs regular surveys to determine the current prevailing wage rates. Updated survey results were issued by the Department of Labor.

MOTION: to approve as presented

	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>

ORDINANCES

***OPENED PUBLIC HEARING**

OR5. OR01-2010-04

AN ORDINANCE AMENDING THE DEVELOPMENT PLAN AND PLAT FOR STONE PARK ADDITION, A PLANNED DEVELOPMENT DISTRICT, AS PROVIDED IN THE CITY OF CLEBURNE'S ORDINANCE NUMBER OR06-2007-34, AS REQUESTED BY MARK RHODES.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of December 14, 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 one protest letter. As stated by Mr. Rhodes in his letter of October 20, 2009, due to the current economic conditions he is requesting a time extension for completion of the project from September 24, 2011 to September 24, 2013. The P&Z recommended approval of the time extension by a vote of 7-0 with the following requirements:

(1) that the area be cleaned up; (2) the plumbing be reduced to near ground level and capped; (3) the property be leveled; (4) all trash to be removed and (5) the property be maintained in good condition. If Council approves this request, consideration should be given in the motion to the five recommendations made by P&Z.

Speakers: Mark Rhodes, proponent, spoke in favor of this item and agreed to a deadline to complete the 5 added requirements of March 1

**CLOSED PUBLIC HEARING*

MOTION: to approve with additional requirements as recommended by the Planning and Zoning Commission with the additional requirement that they be completed by March 1st

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

CITIZENS COMMENTS

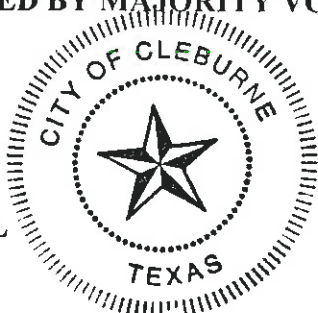
Dr. Bill Pfeiffer spoke on his concerns regarding service on the Airport Advisory Board, particularly the denial of his requests that items be placed on the Airport Board agenda.

Denise Nix spoke on her candidacy for Justice of the Peace.

ADJOURNED AT: 7:45 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: January 26, 2010



ATTEST

Shelly Doty
 Shelly Doty, City Secretary

CITY OF CLEBURNE

Ted Reynolds
 Ted Reynolds, Mayor