



REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 9, 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

II. INVOCATION by Clint Ishmael, Fire Chief

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS - None

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE JANUARY 26, 2010 REGULAR COUNCIL MEETING.

BQ1.

AWARD CONTRACT FOR THE CLETRAN PARK & RIDE PARKING LOT TO P.E.T. CONSTRUCTION, INC IN THE AMOUNT OF \$171,704.00.

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

BRIEF: Bids were received and reviewed by staff and found to meet all minimum specifications. P.E.T. Construction, Inc has completed previous contracts with the City, always in a satisfactory manner. A budget change for the acceptance of Federal Recovery Act Grant funds for this project was approved by Council on January 12, 2010. There is no match required for these grant funds.

RS1. RS02-2010-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR TWO REGIONAL SOLID WASTE PROGRAM IMPLEMENTATION GRANT PROJECTS.

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

BRIEF: The Sanitation Department is seeking permission to enter into two different solid waste interlocal agreements with NCTCOG. A council resolution authorizing the grant applications was passed and approved Oct. 13, 2009. The Composting Project Feasibility Study grant will examine composting water and waste water treatment plant sludge with mulch from Transfer Station to provide beneficial use of the finished compost product eliminating the need for landfilling or licensed disposal. The Cleburne Community Recycling Center grant will establish a drop off location at the Cleburne Transfer Station for recyclable materials. The grant will include equipment needed for processing recyclables for transport to recycling companies.

RS2. RS02-2010-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH FREESE AND NICHOLS FOR GROUNDWATER RULE COMPLIANCE ASSISTANCE.

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

BRIEF: This agreement will include data collection, prepare a draft Triggered Source Monitoring Plan, and a meeting with TCEQ. These services are not to exceed \$14,372.00

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF JANUARY 2010.

Person presenting this item: Greg Wilmore, Director of Finance

OC2.

APPROVAL OF FINAL PLAT OF HIX ROAD ADDITION (LOCATED AT 222 HIX ROAD,

BEING 2.5 ACRES OF THE CHRISTOPHER CHANEY SURVEY), AS REQUESTED BY C. PAUL KEEFER.

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

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of January 11, 2010. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be mixed use - transitional use and 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 5-0.

OC3.

APPROVAL OF FINAL PLAT OF LOT 1-R-1A AND LOT 2, BLOCK 2, CLEBURNE INDUSTRIAL PARK WEST, SECTION 1 (BEING 28.373 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SPARKS DRIVE AND PROPOSED STATE HIGHWAY 121), AS REQUESTED BY CLEBURNE ECONOMIC DEVELOPMENT FOUNDATION, INC., 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 meetings of April 27, 2009 and January 11, 2010. 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 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	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

RS3.

RS02-2010-14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN APPLICATION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD AND AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE THROUGH THE TEXAS ENVIRONMENTAL INFRASTRUCTURE PROGRAM.

Greg Wilmore, Director of Finance stated that the Texas Water Development Board is requesting Statements of Interest from cities under the Texas Environmental Infrastructure Program (TEIP). The program will have up to \$40,000,000 available for water supply, storage, treatment & development projects in Texas. This is a similar grant that we applied for and did not get last year through Congressman Chet Edwards' office. The federal share of an approved project will be 75% with the participating city paying the 25% balance. Our project for this grant is a West Loop Reuse Line Project. This project was originally approved as a part of an amendment to the Brazos G Water Plan in 2008. Total funding for this project amounts to \$11,800,000. The grant would be for \$8,850,000 or 75% of the total and the City of Cleburne will be responsible for \$2,950,000 or 25% of the total. Deadline for submittal is February 16, 2010.

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	Motion Carried		Motion Failed				Roll Call

ORDINANCES

***OPENED PUBLIC HEARING**

OR1. OR02-2010-08

AN ORDINANCE REZONING 328 EAST VAUGHN ROAD FROM IH (INTERIM HOLDING DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT), AS REQUESTED BY JOSEPH W. PIERCE.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meetings of December 14, 2009 and January 11, 2010. 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 and industrial. We have not received any inquiries or objections. P&Z recommended approval by a vote of 5-0.

Speakers: None

***CLOSED PUBLIC HEARING**

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>

***OPENED PUBLIC HEARING**

OR2. OR02-2010-09

AN ORDINANCE REZONING 612 WEST CHAMBERS STREET FROM C3 (COMMERCIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT), AS REQUESTED BY JOE W. AND PATRICIA M. RIGSBY.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of January 11, 2010. 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, commercial and public. We have not received any objections, only a request for clarification. P&Z recommended approval by a vote of 5-0.

Speakers: None

***CLOSED PUBLIC HEARING**

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>

OR3. DENIED

AN ORDINANCE AMENDING TITLE XV – LAND USAGE, CHAPTER 154 – SUBDIVISIONS, SECTION 154.007(A), (B), (C) AND (D) AND CHAPTER 155 – ZONING, SECTIONS 155.15(C) AND 155.17(H) TO APPROPRIATE A FILING FEE FOR REQUESTS TO PLAT, ZONE OR APPEAL PROPERTY.

Donna Jackson, Director of Development Services stated that after careful review, City Staff and the Planning and Zoning Commission present for Council’s consideration a revised fee schedule for platting, zoning and variance requests. Based on a considerable cost increase for required publications and mail notifications over the last several years, it is recommended to set application fees as follows: Platting applications - \$400, Rezoning applications - \$450, and Variance applications - \$450. The P&Z Commission at their May 11, 2009 meeting recommended the above fees except \$350 for variance requests. However, City Staff has carefully considered the impact of time and cost to the City for these requests and respectfully recommend approval of the fees as presented.

Speakers: Tom Burkett, President of Downtown Cleburne Association and owner of Action Signs, spoke in opposition of this item.
 Darrell Hightower, Johnson County Builders Association, spoke in opposition of this item.

MOTION: to deny

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

OTHER COUNCIL MATTERS

OC4.

APPROVE FINAL PLAT OF LOT 1, BLOCK 9 OF F.S. WILLIAMS ADDITION (LOCATED ON MEREDITH STREET BETWEEN NORTH ANGLIN STREET AND NORTH ROBINSON STREET BEING DIRECTLY WEST OF 711 NORTH ROBINSON STREET), AS REQUESTED BY MARTIN MORIN III.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of January 11, 2010. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be mixed use - transitional use. We have received no inquiries or objections. The applicant has requested a waiver of curb, gutter and sidewalks. Sidewalks would not be required on this property. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 5-0 with the recommendation for waiver of curb, gutter and sidewalks as requested by the applicant. If the Council approves this plat, the waiver of curb, gutter and sidewalks should be addressed in the motion.

MOTION: to approve without waiver of curb and gutter

	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

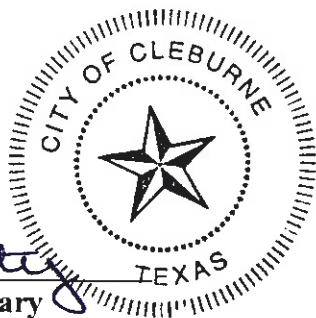
APPROVED BY MAJORITY VOTE OF COUNCIL ON: February 23, 2010


CITY OF CLEBURNE



Ted Reynolds, Mayor

ATTEST




Shelly Doty, City Secretary