



REGULAR CITY COUNCIL MEETING MINUTES
MARCH 23, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:02 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
- ✓ Kathleen Wells, City Attorney

Division Directors:

- ✓ Jerry Cash, Economic Development
- X 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
- ✓ Courtney Coates, Public Works

Media:

- ✓ Matt Smith, Times-Review
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II. INVOCATION by Councilman Dale Sturgeon

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Proclamation **Ride to Recovery Recognition**, April 10-11, 2010

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE MARCH 9, 2010 REGULAR COUNCIL MEETING.

BQ1.

AWARD AUTOMOTIVE PARTS AND SUPPLIES CONTRACT TO O'REILLY AUTO PARTS.

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

BRIEF: The State of Texas awarded O'Reilly Auto Parts the BuyBoard contract for automotive parts and supplies through November 11, 2011. The contract provides for cooperative purchasing throughout Texas and meets all the competitive purchasing requirements. The Cleburne location will be utilized for all purchases through this contract.

BQ2.

AWARD AUTOMOTIVE TIRES CONTRACT TO GOODYEAR TIRE AND AUTO CENTER.

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

BRIEF: The Cooperative Purchasing Network (TCPN) recently awarded Goodyear the automotive tires contract. This contract is available to all member agencies of TCPN and the City of Cleburne has been a member since 2004 through an Interlocal Agreement adopted by the City Council. The TCPN contract provides for all purchases through local dealers.

RS1. RS03-2010-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY, TO PARTICIPATE IN THE COOPERATIVE VOLUME PURCHASE OF VARIOUS COMMODITIES.

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

BRIEF: The City of Cleburne and Johnson County desire to cooperate on select governmental purchases in order to enjoy a greater economy of scale and reduce prices for certain commodities and services used by both governmental entities. The City of Cleburne and Johnson County will engage in the purchase of items and services that are used by both entities and as jointly agreed upon by the purchasing officers of both entities. As a general rule, the governmental entity that uses the most of a particular commodity or service will be the lead agency in making a joint purchase. Each entity will be responsible for payment of goods and services purchased.

OR1. OR03-2010-13

AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 8, 2010 GENERAL CITY ELECTION FOR SINGLE MEMBER DISTRICTS ONE AND FOUR, 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 ballot.

The candidates for Single Member District One and Four have 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 candidates elected to office. The candidate will receive their Certificate of Election and be sworn in at the same time as opposed candidates.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X				X	Approved as presented
White	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>

RESOLUTIONS

RS2. RS03-2010-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT RENEWAL FOR PROFESSIONAL MEDICAL DIRECTION SERVICES.

Clint Ishmael, Fire Chief stated that the Cleburne Fire Department, by law, must have the oversight of a licensed physician serving as the Medical Director for the operation of emergency medical services. Dr. Michelle Beeson is an emergency room physician at HEB Hospital and has served as the Cleburne Fire Department's medical director for the previous 10 years. During her tenure, Dr. Beeson has greatly improved the delivery of emergency medical services for the City of Cleburne. Staff is requesting Council approval for the City Manager to negotiate and execute a five-year contract, renewable each year with the approval of the City and Dr. Beeson. The cost of medical director is \$0.35 per capita of City population.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
White			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>			<i>Roll Call</i>

ORDINANCES

OR2. SECOND READING

AN ORDINANCE GRANTING TO UNITED ELECTRIC COOPERATIVE SERVICES, INC., 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, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, AND PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE.

Greg Wilmore, Director of Finance stated that this is the second of three readings in order to approve this Franchise Agreement with United Electric Cooperative Services. Our current franchise agreement with United Cooperative Services, Inc. is expiring. Wade Adkins with Taylor, Olson, Adkins, Sralla & Elam, LLP has been working with staff on an acceptable franchise agreement with United Cooperative. A summary would include the following highlights: 1) 15 year term; 2) annual payments based on kilowatt hours delivered; 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.

MOTION: to approve second reading

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
White	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>

OTHER COUNCIL MATTERS

OC1.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION.

Donna Jackson Zimmerman, Director of Development Services stated that the first term of Okey Wagner expires on April 8th. The second term of Dan Ricker and Sandra Williams expires on April 11th. Staff respectfully requests that Mr. Wagner be reappointed to another term. Replacements will be needed for Mr. Riker and Ms. Williams.

MOTION: to reappoint Okey Wagner

	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>

OC2.

APPOINTMENTS TO ANIMAL SHELTER ADVISORY BOARD.

Terry Powell, Chief of Police stated that Staff respectfully requests Council consider four reappointments and one new appointment. Staff recommends reappointing Jerry Dean, Pat Brisco, Dr. Danette Raper and Lisa Tucker whose first terms expire March 25th. Each is willing to serve a second term if reappointed. Staff recommends appointing Bill E. Roe to replace Stephanie Masters who no longer desires to serve. Mr. Roe has been contacted and is still willing to serve.

MOTION: to reappoint Jerry Dean, Pat Brisco, Dr. Danette Raper, and Lisa Tucker, and to appoint Kathy McClelland

	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>

CITIZENS COMMENTS

ADJOURNED AT: 7:15 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: April 13, 2010