



REGULAR CITY COUNCIL MEETING AGENDA
MARCH 9, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @

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

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS (Guidelines)

- | | |
|--------------|---|
| Presentation | <u>Lifesaving Award</u> – Tracy Todd |
| Proclamation | <u>American Red Cross Month</u> , March 2010 |
| | <u>March for Meals Awareness Month</u> , March 2010 |
| | <u>International Women’s Day and Zonta Rose Day</u> , March 8, 2010 |

V. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a

Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

C1. MINUTES

APPROVAL OF MINUTES FOR THE FEBRUARY 23, 2010 REGULAR COUNCIL MEETING.

BQ1.

AWARD BID FOR ELMO STREET PAVING AND DRAINAGE IMPROVEMENTS TO JRJ PAVING IN THE AMOUNT OF \$439,257.97.

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

BRIEF: Bids were received on March 2, 2010 and reviewed by Childress Engineers. JRJ Paving submitted the lowest bid, meeting all minimum specifications. JRJ Paving has been awarded contracts with the City previously and has always completed the projects satisfactorily.

ATTACHMENT: [Backup](#)

BQ2.

AWARD BID FOR SPARKS DRIVE PAVING AND IMPROVEMENTS TO AMS COMPANY IN THE AMOUNT OF \$282,603.83.

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

BRIEF: Bids were received on March 2, 2010 and reviewed by Childress Engineers. AMS Company submitted the lowest bid, meeting all minimum specifications. AMS Company has performed services for the City on numerous contracts satisfactorily.

ATTACHMENT: [Backup](#)

BQ3.

AWARD BID FOR THE CHAMBER OF COMMERCE AND ECONOMIC DEVELOPMENT OFFICE BUILDING TO BBC CONSTRUCTION GROUP IN THE AMOUNT OF \$767,160.

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

BRIEF: Bids were received on March 2, 2010. References were contacted and bids/qualifications were reviewed by staff. BBC Construction Group's bid meets all minimum specifications.

ATTACHMENT: [Backup](#)

RS1.

RS03-2010-

A RESOLUTION ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO

THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION AND THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS.

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: The City is a member of Cities Aggregation Power Project, Inc. (“CAPP”). The CAPP Board of Directors has voted to authorize certain legislative efforts pertaining to the Sunset Commission’s review of the Public Utility Commission (“PUC”) and the Electric Reliability Council of Texas (“ERCOT”). The Sunset agency’s recommendations pertaining to both organizations are expected to form the basis of bills during the 82nd Legislative Session in 2011. As such, CAPP will recommend legislative action related to the Sunset Commission’s examination of both the PUC and ERCOT. In addition, CAPP will offer all resolutions of its members during Sunset hearings to apprise lawmakers of CAPP Cities’ perspective on how to make the electric market more competitive and beneficial to consumers.

ATTACHMENT: [Resolution](#) [Backup](#)

**RS2. RS03-2010-
A RESOLUTION ACCEPTING THE SEPTEMBER 30, 2009 AUDIT FOR THE CITY OF CLEBURNE, TX.**

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: Section 53 of the Charter states that staff will submit the annual audit to the City Council at such times and in such manner as the Council shall direct and in compliance with state and federal laws. For your consideration is the September 30, 2009 report as prepared by the audit firm of Gilliam Wharram & Co, PC. Staff, as well as Harold Gilliam and Debra Estep of the firm will present the report and answer any questions.

ATTACHMENT: [Resolution](#) [Backup](#)

**OR1. OR03-2010-
AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150 "BUILDING REGULATIONS" CONCERNING DRINKING FOUNTAINS.**

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

BRIEF: This is to grant exceptions to the adopted International Building Code and International Plumbing Code to allow the use of a bottled water cooler for business establishments whose occupancy is less than 50. The existing requirement is for all business establishments, no matter the occupancy, to have a drinking fountain.

ATTACHMENT: [Ordinance](#) [Backup](#)

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2010.

Person presenting this item: Greg Wilmore, Director of Finance

ATTACHMENTS: [Backup](#)

MOTION:

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

ITEMS PULLED FROM CONSENT AGENDA

MOTION:

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

RESOLUTIONS

RS3.

RS03-2010-

A RESOLUTION WAIVING CERTAIN PROVISIONS OF CHAPTER 98, PARKS AND RECREATION TO ACCOMODATE A YOUTH EVENT CALLED “WALK ON WATER” ON LAKE PAT CLEBURNE, AS REQUESTED BY SCOTT CAIN.

Person presenting this item: Max Robertson, Director of Parks and Recreation

BRIEF: A request to hold an event on Lake Pat Cleburne has been received from Scott Cain. The event, Walk on Water, is an event designed to provide youth in our community with access to water sports, such as wakeboarding, who might not otherwise have the ability to learn the sport. Mr. Cain is working in conjunction with local youth organizations and churches to plan the one day event.

Reynolds							Postponed until:
<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>	

OR3. **FIRST 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.

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: This is the first 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.

ATTACHMENTS: [Ordinance](#)

MOTION:

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

OTHER COUNCIL MATTERS

OC2.
APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF DIRECTOR.

Person presenting this item: Rick Holden, Assistant City Manager

BRIEF: Don Wilson is completing his second term on the 4B Board in March and is ineligible to serve another term at this time. Staff respectfully requests Council appoint a new member to fill this

vacancy. Included in the backup is a list of citizens who have submitted an application for this Board. A list of applicants for this board is included in the backup.

ATTACHMENTS: [Backup](#)

MOTION:

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

CITIZENS COMMENTS

GUIDELINES. Citizens Comments gives the public an opportunity to make comments or address concerns not posted on the agenda. The City Council may take no action during this portion of the agenda. The Council may only ask clarifying questions or direct staff to take appropriate action. Each person will be allowed five minutes to comment on any particular subject. No more than two persons will be allowed to comment on any particular subject, one in favor and one against. All persons desiring to make comments under this section must sign a card prior to the council meeting identifying themselves and the topic they desire to address.

ADJOURNED AT:



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary’s Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.