



# City of Cleburne

## REGULAR CITY COUNCIL MEETING MINUTES

JANUARY 22, 2008

7:00 PM

CITY HALL COUNCIL CHAMBERS

10 NORTH ROBINSON

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

#### City Council:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Sonny Russell, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

#### Administration:

- ✓ Chester Nolen, City Manager
- ✓ Adam Miles, Assistant City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Wade Adkins, City Attorney

#### Division Directors:

- ✓ Jerry Cash, Economic Development
- ✓ Mike Claunch, Public Services
- ✓ Bonita Hall, Human Resources
- ✓ Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- ✓ Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Russell Schreiber, Public Works
- ✓ Greg Wilmore, Finance

#### Department Heads:

- ✓ Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning

#### Media:

- ✓ Matt Smith, Times-Review
  - ✓ Teresa Blackwell, Cleburne Eagle
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### II. INVOCATION by Rev. Wayne Ashlock, First Christian Church

### III. PLEDGE OF ALLEGIANCE

### IV. CEREMONIAL MATTERS

Presentation                      Dianne Packwood, United Way

### V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

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#### CONSENT ITEMS

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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 JANUARY 8, 2008 REGULAR COUNCIL MEETING.**

**BQ1.**

**AWARD ANNUAL MEDICAL SUPPLIES CONTRACT TO BOUNDTREE MEDICAL FOR AN AMOUNT NOT TO EXCEED \$27,500.**

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

BRIEF: The City of Carrollton formally bid their annual medical supplies contract in November 2005, and recently renewed that contract for an additional year. The contract provides for cooperative purchasing with other Texas cities, and meets all competitive purchasing requirements.

**BQ2.**

**RENEW THE ANNUAL PROPANE SUPPLY CONTRACT FOR THE CLETRAN FLEET WITH CLEBURNE PROPANE FOR \$0.25 PROFIT PER GALLON.**

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

BRIEF: The Cletran annual propane supply was bid in March 2005 and awarded to Cleburne Propane. The terms and conditions of the bid included an option for four (4) one year renewals if agreed upon by both parties. Cleburne Propane has agreed to a one year renewal at current pricing. This is the third renewal. Cleburne Propane continues to perform the terms of the contract satisfactorily.

**BQ3.**

**AUTHORIZE PURCHASE OF PLAYGROUND EQUIPMENT FOR CARVER PARK FROM SOUTH WEST PARKS & PLAYGROUNDS IN THE AMOUNT OF \$77,497.97.**

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

BRIEF: The current budget includes improvements for the Carver Park basketball courts, shading for the splash pad, and other amenities and safety improvements for the existing playground. South West Parks & Playgrounds was awarded the BuyBoard contract for playground equipment. Through this contract all competitive bidding requirements have been met.

**BQ4.**

**AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FOR HULEN PARK FROM RECREATION CONSULTANTS OF TEXAS IN THE AMOUNT OF \$88,397.**

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

BRIEF: These proposed improvements include removal and replacement of equipment in the Hulen Park playground. Recreation Consultants of Texas has been awarded a BuyBoard contract for playground equipment. This contract meets all competitive bidding requirements.

**RS1. RS01-2008-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SYSTEM WATER AVAILABILITY AGREEMENT WITH BRAZOS RIVER AUTHORITY FOR AN ADDITIONAL 5,000 ACRE-FEET OF WATER FROM THE BRAZOS RIVER BASIN; PROVIDING AN EFFECTIVE DATE.**

Person presenting this item: Russell Schreiber, Director of Public Works

BRIEF: This agreement will reserve an additional 5,000 acre-feet of system water from the Brazos River Basin for future water needs of the City as part of the long range water plan.

**OR1. OR01-2008-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2007 TO SEPTEMBER 30, 2008, BY TRANSFERRING \$197,734 (ONE HUNDRED NINETY-SEVEN THOUSAND, SEVEN HUNDRED THIRTY-FOUR DOLLARS) FROM GENERAL FUND BALANCE TO 8953-8880 CAPITAL IMPROVEMENTS, PROVIDING FOR PARKING AND SIDEWALKS AT WINSTON PATRICK MCGREGOR PARK; PROVIDING AN EFFECTIVE DATE.**

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

BRIEF: As directed in the January 8, 2008 Council meeting, this budget change will provide funding for two parking lots and a sidewalk that parallels Colonial Drive and West Henderson in Winston Patrick McGregor Park.

**OC1.**

**APPROVE PRELIMINARY PLAT OF LOTS 1 THROUGH 42 (13), BLOCK 1, THE COMPLETE (BARNETT) INDUSTRIAL PARK ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, LOCATED AT 2615 AND 2617 SOUTH MAIN BEING EAST OF THE INTERSECTION OF SOUTH MAIN (HIGHWAY 174 SOUTH) AND CR 1112 (OLD FOAMY ROAD) BEING 78.216 ACRES OF THE THOMAS EDWARDS SURVEY A-244, JOHNSON COUNTY, TEXAS) AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 3721, PAGE 667 AND IN GENERAL WARRANTY DEED RECORDED IN VOLUME 3721, PAGE 673 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, REQUESTED BY CLEBURNE REAL ESTATE HOLDINGS, LP; REPRESENTED BY VAUGHN COMMERCIAL REALTY GROUP LTD.**

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

**BRIEF:** The Planning and Zoning Commission considered this request at its meeting of January 14, 2008. Notice was given as required by State law. We have received inquiries but no objections. The Commission recommended approval of the preliminary plat by a vote of 4-0.

**MOTION:** to approve with correction to OC1 changing Complete to Barnett and Lots 1 through 13

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell			X				X Approved as presented
Boles		X	X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Tabled
							Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**ORDINANCES**

**OR2. OR01-2008-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.**

Greg Wilmore, Director of Finance stated that on October 9, 2007 the City suspended the gas rate increase filed by Atmos Energy Corp., Mid-Tex Division. Final action has been extended to March 1, 2008. During this period of time, the Atmos City Steering Committee has worked to explore options to resolve Atmos pending \$52 million rate increase request without the necessity of a protracted and costly contested case proceeding. The proposed settlement agreement reduces Atmos' rate increase by more than 80 percent, resolves several outstanding issues on appeal, requires reimbursement of more than \$500,000 expended by the Committee to litigate GRIP cases, and eliminates the piecemeal ratemaking GRIP process in favor of an expedited rate review process controlled by cities. We recommend approval of the settlement agreement because it provides rate certainty, represents an outcome that is equal to or better than the outcome expected from a lengthy contested case proceeding, and maintains cities' role as a regulator of natural gas rates.

\*Mayor Reynolds filed a Conflict of Interest Affidavit and abstained from discussion and voting on this item.

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell	X		X				X Approved as presented
Boles			X				Approved as amended
Force		X	X				Denied
Warren			X				Withdrawn
Reynolds					X		Tabled
							Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**OPENED PUBLIC HEARING**

**OR3. OR01-2008-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES BY THE REZONING OF 2615 AND 2617 SOUTH MAIN LOCATED EAST OF THE INTERSECTION OF SOUTH MAIN (HIGHWAY 174 SOUTH) AND CR 1112 (OLD FOAMY ROAD) (BEING 78.216 ACRES OF THE THOMAS EDWARDS SURVEY A-244, JOHNSON COUNTY, TEXAS) AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 3721, PAGE 667 AND IN GENERAL WARRANTY DEED RECORDED IN VOLUME 3721, PAGE 673 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM A (AGRICULTURAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT) AS REQUESTED BY CLEBURNE REAL ESTATE HOLDING, LP REPRESENTED BY VAUGHN COMMERCIAL REALTY GROUP LTD.; PROVIDING FOR PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of January 14, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries, but no objections. The Commission recommended approval of this request by a vote of 4-0.

Speakers: none

**CLOSED PUBLIC HEARING**

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell			X				X Approved as presented
Boles			X				Approved as amended
Force		X	X				Denied
Warren	X		X				Withdrawn

Reynolds			X					Tabled
								Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

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**CITIZENS COMMENTS**

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Alden Nellis commended the City and Master Gardeners on the progress and concept of McGregor Park. Mr. Nellis also asked the City to put their check register online.

Jack Carlton spoke on the Johnson County Historical Commission's new project at the Chisholm Trail site, the Chisholm Trail Museum and Stagecoach Stop and presented a design concept. Mr. Carlton thanked the Council for their generous contribution in 2007.

**ADJOURNED AT: 7:19 p.m.**

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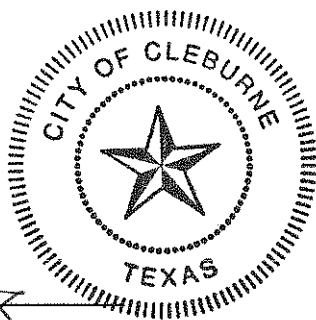
**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: February 12, 2008**

**ATTEST:**

*Shelly Doty*  
 Shelly Doty, City Secretary



**CITY OF CLEBURNE**

*Kyle Boles*  
 Kyle Boles, Mayor Pro Tem