



REGULAR CITY COUNCIL MEETING MINUTES
MAY 26, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

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

City Council:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

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
- ✓ Bonita Hall, Human Resources
- ✓ Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- ✓ Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Greg Wilmore, Finance

Department Heads:

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

Media:

- ✓ Matt Smith, Times-Review

ELECTION PROCEEDINGS

OC1.

OFFICIAL CANVASS BY THE CITY COUNCIL OF THE ELECTION RETURNS FOR THE GENERAL ELECTION HELD ON MAY 9, 2009.

Shelly Doty, City Secretary stated that this meeting of the governing body of the City of Cleburne shall serve as the official canvass of votes for the General Election held May 9, 2009, for City District 2. The Mayor shall appoint two (2) Councilmembers and the City Secretary to review election returns submitted by the Johnson County Elections Office for discrepancies. The Authority will then adjourn to the Conference Room for their review and report back to the Council with their determination.

Mayor Reynolds appointed Councilmembers Robert Kelly and John Warren to serve as the Canvassing Authority and recessed the meeting.

Council reconvened and the Canvassing Authority reported no discrepancies to Council

RS1. RS05-2009-36

A RESOLUTION DECLARING THE RESULTS OF THE MAY 9, 2009 GENERAL ELECTION IN AND FOR THE CITY OF CLEBURNE, TEXAS.

Person presenting this item: Shelly Doty, City Secretary

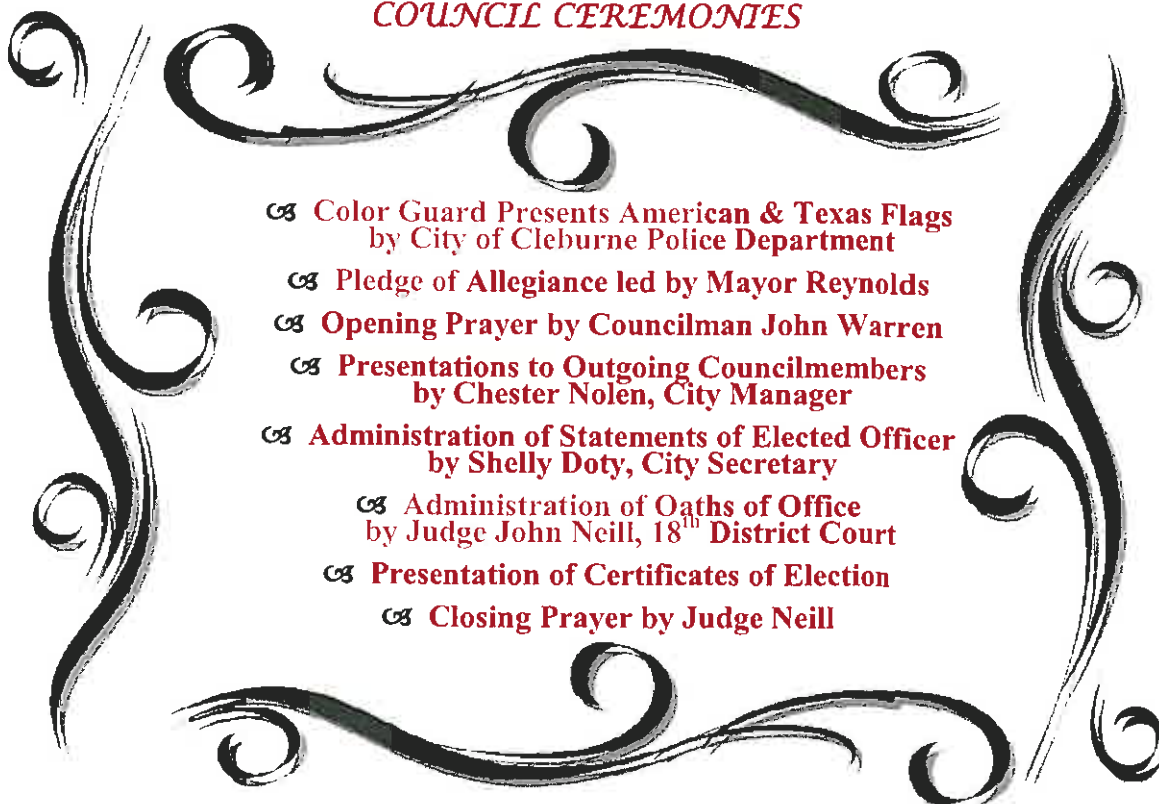
BRIEF: The City Secretary and City Council have investigated all matters pertaining to the May 9, 2009 election, including the ordering, giving notice, and making returns of said election. This Resolution constitutes the declaration of the official results of the election. Upon passage of this Resolution, the Statement of Elected Officer and Official Oath of Office shall be administered to the newly elected Councilmembers and they shall be presented with a Certificate of Election. The new Councilmembers shall then take their place on the dais.

MOTION: to approve as presented

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



COUNCIL CEREMONIES



- ☞ **Color Guard Presents American & Texas Flags by City of Cleburne Police Department**
- ☞ **Pledge of Allegiance led by Mayor Reynolds**
- ☞ **Opening Prayer by Councilman John Warren**
- ☞ **Presentations to Outgoing Councilmembers by Chester Nolen, City Manager**
- ☞ **Administration of Statements of Elected Officer by Shelly Doty, City Secretary**
- ☞ **Administration of Oaths of Office by Judge John Neill, 18th District Court**
- ☞ **Presentation of Certificates of Election**
- ☞ **Closing Prayer by Judge Neill**

NEW ROLL CALL OF CITY COUNCIL BY MAYOR:

City Council: ✓ Ted Reynolds, Mayor
 ✓ Dr. Bob Kelly, SMD 1
 ✓ Gayle White, SMD 2
 ✓ Dale Sturgeon, SMD 3
 ✓ John Warren, SMD 4

CEREMONIAL MATTERS

Proclamation Relay for Life Day, June 5, 2009

CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

OC2.

ELECTION OF A MAYOR PRO TEM FOR THE CITY OF CLEBURNE.

Shelly Doty, City Secretary stated that pursuant to Section 37 of the Cleburne City Charter the Council shall elect a Mayor Pro Tem from among their members who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy should occur, shall become Mayor until the next regular election.

MOTION: to appoint John Warren

	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

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE MAY 12, 2009 REGULAR COUNCIL MEETING.

BQ1.

AWARD BID FOR ANNUAL GRINDING SERVICES TO SMS WOODSTONE.

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

BRIEF: Bids from six vendors were received and subsequently reviewed by staff. SMS Woodstone provided the lowest most responsible bid. The prices being recommended represent a decrease in

price from the previous contract.

2008: Single Grind \$1.28 per cubic yard; Double Grind \$1.43 per cubic yard

2009: Single Grind \$0.74 per cubic yard; Double Grind \$1.23 per cubic yard

BQ2.

AUTHORIZE PURCHASE OF TABLES AND CHAIRS FOR THE GOLF COURSE CLUB HOUSE FROM NEW HEMISPHERE IN THE AMOUNT OF \$33,124.00.

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

BRIEF: Quotes were requested and received. Staff recommends award to the lowest most responsible bidder.

BQ3.

AUTHORIZE PURCHASE OF UV TREATMENT SYSTEM FOR THE AQUATICS FACILITY.

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

BRIEF: Quotes were requested and received. Staff recommends award to the lowest most responsible bidder. Low bid was \$62,050.00.

RS2. RS05-2009-37

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRESS ENGINEERS FOR ENGINEERING SERVICES FOR 2009 WATER LINE REPLACEMENTS FOR SOUTH MAIN STREET AND HILLTOP DRIVE AT SURRY PLACE DRIVE.

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

BRIEF: Existing water mains are in need of replacement due to age and deterioration. This agreement will provide for design, surveying, TxDOT coordination and reroutes, if needed due to field discoveries. Amount is not to exceed \$68,500.00.

OR1. OR05-2009-29

AN ORDINANCE AMENDING CHAPTER 99 - STREETS AND SIDEWALKS; SECTION 99.26, CONTRACTOR'S BOND OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS.

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

BRIEF: This ordinance amendment will require contractor's to repair damages to public infrastructure that may be damaged during construction of improvements covered by this subchapter and will be required within one year from date of repair to repair free of charge any area that may become defective due to materials or workmanship.

OR2. OR05-2009-30

AN ORDINANCE AMENDING CHAPTER 51 - WASTE HAULERS BY REVISING SECTIONS 51.100 - DEFINITIONS; 51.102 - FEES; DISPLAY OF PERMIT; 51.103 - RESPONSIBILITIES OF LIQUID WASTE TRANSPORTER; 51.105 - DISPOSAL OF LIQUID WASTE; 51.106 - RESPONSIBILITIES OF POTW (PUBLICLY OWNED TREATMENT WORKS); 51.107 - DENIAL, SUSPENSION, AND REVOCATION OF PERMIT, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS.

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

BRIEF: The revisions to the Waste Hauler Ordinance will update definitions, require TCEQ permit and provide for proper display of the permit, increase permit fee from \$50.00 to \$75.00, increase cost of trip ticket books from \$20.00 to \$25.00, provide for distribution of trip ticket copies and length of time to retain copies as required by TCEQ, increase disposal fee from \$20.00 to \$25.00 per load, provide for denial of permit and/or refusal of loads.

OC3.

APPROVE FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, DELTA TWO ADDITION (BEING 1.364 ACRES LOCATED AT 1517 CR 700 IN CLEBURNE'S ETJ), AS REQUESTED BY RONNIE FOUST, REPRESENTED BY DUMAS LAND SURVEYING, INC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of April 27, 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. This plat meets the platting requirements for the City of Cleburne. P&Z recommended approval by a vote of 6-0.

OC4.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, HISER ADDITION (BEING 1.26 ACRES LOCATED AT 2108 CR 801B IN CLEBURNE'S ETJ), AS REQUESTED BY MISTY HISER, REPRESENTED BY PALM HARBOR HOMES.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of April 27, 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 inquiries but no objections. This plat meets the platting requirements for the City of Cleburne. P&Z recommended approval by a vote of 6-0.

MOTION: to approve in its entirety

	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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

RESOLUTIONS

RS3. RS05-2009-38

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN CONTRACT WITH NEDDERMAN & ASSOCIATES FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE SMITH HISTORY CENTER.

Kim Galvin, Budget and Purchasing Manager stated that requests for proposals were received from ten companies. All firms were carefully researched, and three were interviewed for this contract.

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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

RS4. RS05-2009-39

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE PURCHASE OF A LEASE AGREEMENT AT THE CLEBURNE MUNICIPAL AIRPORT.

Person presenting this item: Chester Nolen, City Manager stated that this would authorize the purchase of a hangar at the Airport and the remainder of a lease.

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>

ORDINANCES

OR3. OR05-2009-31

AN ORDINANCE OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE XI "BUSINESS REGULATIONS" BY ADDING A NEW CHAPTER 120 "ALCOHOLIC BEVERAGE SALES".

Shelly Doty, City Secretary stated that on May 9, 2009, the voters of the City of Cleburne approved the sale of alcoholic beverages in the City in certain circumstances. Proposition 1 approved the sale of beer and wine for off premise consumption and Proposition 2 approved the legal sale of mixed beverages in restaurants by food and beverage certificate holders. Although the Texas Alcoholic Beverage Commission (TABC) is responsible for oversight of alcohol sales, they do allow cities the option of adopting certain additional regulations including minimum distances from certain facilities; limitation of hours of alcohol sales; and the authority to require City issued permits and fees. This Ordinance would require all businesses that sell alcohol within the city limits to obtain a permit from the City Secretary after exhibition of their TABC permit or license and payment of a fee in an amount allowed by the Alcoholic Beverage Code (ABC); it also places a minimum distance of 300' from public and private schools, churches, and hospitals; prohibits sale of alcoholic beverages in residential areas; and limits the hours of sale as provided in the ABC.

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

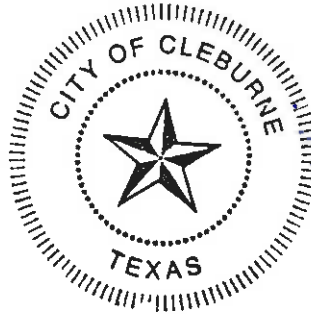
CITIZENS COMMENTS

Bill Miller spoke about the care of our cemeteries and the need for perpetual care on all new lots sold and the need for fencing to prevent vandalism.

ADJOURNED AT: 8:05 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 9, 2009



CITY OF CLEBURNE

A handwritten signature in blue ink, appearing to read "Ted Reynolds", is written over a horizontal line.

Ted Reynolds, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Shelly Doty", is written over a horizontal line.

Shelly Doty, City Secretary