

BQ1.

AUTHORIZE PURCHASE OF A FIRE TRUCK FROM METRO FIRE APPARATUS SPECIALISTS, INC IN THE AMOUNT OF \$419,567.

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

BRIEF: Staff requested a proposal from Metro Fire Apparatus Specialists, Inc to manufacture a fire truck per the specified needs of the City Fire Department. Metro Fire Apparatus Specialists, Inc is a Houston-Galveston Area Council (H-GAC) vendor, and was the successful bidder for fire truck manufacturer. By utilizing the contract through H-GAC the City has fulfilled all of the competitive bidding requirements established by the State of Texas.

BQ2.

AUTHORIZE PURCHASE OF LIBRARY AUTOMATION SOFTWARE FROM THE LIBRARY CORPORATION IN THE AMOUNT OF \$47,896.

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

BRIEF: The automation software currently utilized by the Library was purchased over 10 years ago. This software is being phased out by the company and will no longer be supported. This new software solution will provide library patrons with online selection and notification and will also provide staff with customer and user friendly check-outs and inventory control.

RS1. RS06-2009-40

A RESOLUTION ACCEPTING AN AMENDMENT TO THE TEXAS DEPARTMENT OF TRANSPORTATION 5311 FEDERAL RURAL PUBLIC TRANSPORTATION FUND GRANT APPROVED BY RS03-2009-20 ON MARCH 24, 2009.

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

BRIEF: City/County Transportation has been awarded an additional \$114,854 of Federal money to use toward operating and administrative expenses during FY 2010. The total amount of the grant including the amendment is \$319,262.

RS2. RS06-2009-41

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING WITH THE COUNTY OF TOM GREEN, TEXAS.

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

BRIEF: The City of Cleburne and Tom Green County desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduced prices for certain commodities and services used by both governmental entities. The City of Cleburne and Tom Green 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 agent in making a joint purchase. Each entity will be responsible for payment of its portion of the proportionate purchase costs directly to the vendor.

RS3. RS06-2009-42

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SIEMENS BUILDING TECHNOLOGIES, INC FOR A CITY WIDE ENERGY EFFICIENCY PROJECT IN THE AMOUNT OF \$9,561,515.00.

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

BRIEF: In response to Senate Bill 12, in the fall of 2007 the City began the process of developing a plan to reduce energy consumption throughout the City. In January 2008, staff requested a preliminary study to determine if a performance contract was an option that would allow the City to meet the standards of SB 12. After studies showed conclusive evidence that such a project would be viable, the City solicited Requests for Qualifications. In August 2008, the City entered into an agreement with Siemens Building Technologies, Inc to perform an in-depth efficiency audit of metered water sales, heating, ventilation and air conditioning, lighting, water and waste water treatment plants and water fixtures throughout the City. In April 2009, Siemens presented the findings of this in-depth study to Council.

This project is an important step in moving toward better accountability for all water that is produced and in implementing energy and water conservation measures. An important point to keep in mind is that this project is being paid for with dollars that we either are currently losing in water revenue from unaccounted for water, or from various savings due to better control and efficiency in our HVAC, lighting and wastewater treatment process. With the Performance Guarantee, if these savings do not meet the projections that Siemens Building Technologies, Inc., has calculated, they will pay the difference.

A review of this contract, audit findings and performance guarantees are being conducted by a 3rd party reviewer selected by the State Energy Conservation Office (SECO). Any contract entered into by the City would be contingent upon positive findings of this review.

RS4. RS06-2009-43

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FINANCING CONTRACT FOR THE SIEMENS ENERGY EFFICIENCY PROJECT.

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

BRIEF: The Comptroller of the State of Texas dedicated funds through the State Energy Conservation Office (SECO) to assist consumers in reducing energy costs and maximizing efficiency. Staff has submitted a Memorandum of Understanding with the Texas LoanSTAR Program through SECO, to reserve \$5,000,000.00 for this project through a 3% loan, the maximum

that can be borrowed for any single phase of a project. Currently, the total project cost is \$9,561,515 with a 13 year payback. Staff is currently working with Siemens and SECO to develop the most cost effective financing package available to the City. An additional Memorandum of Understanding for the SECO program was submitted to reserve an additional \$5,000,000 and some third party financing is also being considered due to the 10 year financing limit set by SECO.

This project is being paid for with dollars that the City is currently losing in water revenue from unaccounted for water, or from various savings due to better control and efficiency in our HVAC, lighting and wastewater treatment process.

RS5. RS06-2009-44

A RESOLUTION AMENDING THE COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING TAX ABATEMENT AGREEMENTS WITHIN THE CITY OF CLEBURNE AND ITS EXTRATERRITORIAL JURISDICTION.

Person presenting this item: Jerry Cash, Director of Economic Development

BRIEF: In order to remain competitive with other cities when we are recruiting business to Cleburne and encouraging existing businesses to expand and stay in Cleburne, this policy is needed. The present policy has worked well, therefore no changes are recommended.

RS6. RS06-2009-45

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH WALLACE CONTROLS & ELECTRIC FOR THE IMPLEMENTATION OF A SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM FOR WATER AND WASTEWATER.

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

BRIEF: A request for proposals was made and proposals were received on May 27, 2009. Four proposals were received and subsequently reviewed by staff. The evaluation team determined that the proposal submitted by Wallace Controls & Electric will provide the City with the best value. Evaluation criteria included qualifications, project cost, demonstrated similar experiences, warranty period, response time and project completion time line. References were also contacted and all were very favorable.

OR1. OR06-2009-32

AN ORDINANCE ACCEPTING THE DONATION OF A 1.101 ACRE DRAINAGE CHANNEL FROM CLEBURNE ECONOMIC DEVELOPMENT FOUNDATION.

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

BRIEF: The 60 feet drainage channel was not dedicated to the City when the parcel was platted. Cleburne Economic Development Foundation wishes to donate the drainage channel to the City and retain the mineral rights on the 1.101 acre drainage channel that is a part of the D. Hunter Survey,

Abstract 347 and the A. McBrayer Survey, Abstract 596, Johnson County, Texas as shown on the survey.

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF MAY 2009.

Person presenting this item: Greg Wilmore, Director of Finance

OC2.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CLEBURNE FIRE STATION FOUR (BEING 3.148 ACRES IN THE DAVID HUNTER SURVEY, LOCATED ON THE EAST SIDE OF NORTH MAIN STREET JUST NORTH OF COMMERCE BOULEVARD), AS REQUESTED BY THE CITY OF CLEBURNE, 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 May 11, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial. The plat meets the platting requirements of the City. We have received no inquiries or objections. P&Z recommended approval by a vote of 6-0.

OC3.

APPROVE REPLAT SHOWING LOT 1R, BLOCK 1, BEING A REVISION OF LOTS 1, 2 AND 3, BLOCK 1, CARLOS GARCIA ADDITION (LOCATED AT 918 NORTH ANGLIN STREET AND 202 AND 204 EAST LONE STAR AVENUE), AS REQUESTED BY SPARGER PROPERTIES, LLC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of May 11, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be mixed use/transitional use. The plat meets the platting requirements of the City. We have received no inquiries or objections. 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	X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

**OPENED PUBLIC HEARING*

RS7. RS05-2009-46

A RESOLUTION ACCEPTING EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS IN THE AMOUNT OF \$18,085.00, TO PURCHASE POLICE DEPARTMENT EQUIPMENT.

Terry Powell, Chief of Police stated that the Cleburne Police Department is eligible for \$18,085 from the Edward Byrne Memorial Justice Assistance Grant. There is no required match amount. The funds will be used to purchase equipment used to supplement existing programs. Specifically, we propose to purchase equipment to be utilized by Police Department personnel during training.

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	Motion Carried		Motion Failed				Roll Call

ORDINANCES

**OPENED PUBLIC HEARING*

OR2. OR05-2009-33

AN ORDINANCE REZONING 1105, 1107 AND 1109 GATRIX FROM SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO MF (MULTIPLE FAMILY DWELLING DISTRICT), AS REQUESTED BY B. TODD AND JOCELYN MORGAN.

Ann Powell, Planning and Zoning Coordinator stated that the Planning and Zoning Commission (P&Z) considered this request at its meeting of May 11, 2009. 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. We have received neither requests for information nor objections. P&Z recommended approval of this request by a vote of 6-0.

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				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

OTHER COUNCIL MATTERS

**OPENED PUBLIC HEARING*

OC4.

APPROVE FINAL PLAT OF LOT 1R, BLOCK Z, FAIRFIELD ADDITION (LOCATED AT 108 POINDEXTER AVENUE), AS REQUESTED BY TEXAS CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTIST.

Ann Powell, Planning and Zoning Coordinator stated that the Planning and Zoning Commission considered this request at its meeting of May 11, 2009. 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. The plat meets the platting requirements of the City. We have received inquiries and objections. P&Z recommended approval by a vote of 6-0.

Speakers: Mike Doucoumes, Texas Conference of Seventh Day Adventists representative spoke in favor of this item.
David Lizboa spoke against this item.

David Esquivel addressed issues with the property being in a flood plain.

**CLOSED PUBLIC HEARING*

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>

OC5.

APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Donna Jackson, Director of Development Services and Transportation stated that Roger Pedigo's first term expired February 13, 2009. At this time, Mr. Pedigo does not want to be considered for reappointment. Robert (Bob) Force has agreed to serve if appointed. Also, Jean Moss's first term expires June 25, 2009. Ms. Moss has agreed to serve a second term if reappointed.

MOTION: to appoint Bob Force and reappoint Jean Moss

	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 on the need to pass a 4A Sales Tax.

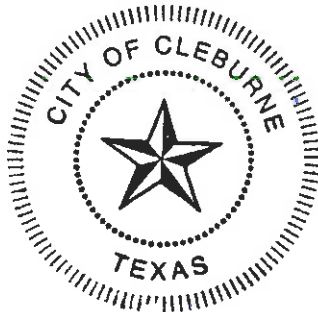
Saad Mansoor spoke on concerns about the alcohol ordinance and the distance requirements. He owns a convenience store located across from Smith Middle School within the 300' foot restriction. Mayor Reynolds asked Mr. Mansoor to call him and set up a meeting to discuss this further.

Mayor stated that the City Council will call an Emergency Council meeting at 8:00 p.m. to consider the employment of a geological expert to investigate the cause and effect of recent earthquakes in Cleburne.

ADJOURNED AT: 7:31 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 23, 2009



ATTEST:

Shelly Doty
 Shelly Doty, City Secretary

CITY OF CLEBURNE

Ted Reynolds

Ted Reynolds, Mayor