



REGULAR CITY COUNCIL MEETING MINUTES
JUNE 23, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:00 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
- ✓ 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
- ✓ Randy Jenkins, Fire Services

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION - Rev. Steve Dill, Southwest Family Church

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS None

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE JUNE 9, 2009 REGULAR COUNCIL MEETING AND JUNE 9, 2009 EMERGENCY COUNCIL MEETING.

BQ1.

AWARD BID FOR THE ANNUAL FILTER SUPPLIES TO STEWART & STEPHENSON.

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

BRIEF: Tarrant County formally awarded their annual equipment and vehicle filter supplies contract in April 2008 with three one year renewals. The contract provides for cooperative purchasing with other Texas cities, and meets all competitive purchasing requirements. The current interlocal agreement with Tarrant County allows the City of Cleburne to utilize this bid while still meeting all of the state purchasing mandates. Stewart & Stephenson has provided the City of Cleburne with filters in the past and done so satisfactorily.

BQ2.

AWARD THE 2009 SEALCOAT PROJECT TO JRJ PAVING IN THE AMOUNT OF \$126,293.20.

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

BRIEF: Bids were received on June 11, 2009 for the Sealcoat Project. JRJ submitted the lowest most responsible bid. JRJ has worked for the City in the past and has always performed satisfactorily. This project will include East Industrial, Kilpatrick, Hix Road and Country Club. See the back-up for aerial views of the project locations.

BQ3.

AWARD THE 2009 ANNUAL UTILITY CUT PROGRAM TO HARLEY EXCAVATION.

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

BRIEF: Bids were received on June 11, 2009 for the Utility Cut Program. Harley Excavation submitted the lowest most responsible unit bids. Harley Excavation has always performed satisfactorily for the City.

	2008-2009	2009-2010
Full Depth Asphalt per square foot	4.73	5.00
18" Curb & Gutter per linear foot	23.11	23.00
24" Curb & Gutter per linear foot	24.19	24.00
30" Curb & Gutter per linear foot	25.28	25.00
6" Reinforced Concrete	5.71	5.00
8" Reinforced Concrete	6.46	5.75
4" Reinforced Sidewalk	5.00	6.40

MOTION: to approve in its entirety

	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

RS1. RS06-2009-48

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER APPROVING GUARANTEED MAXIMUM PRICES FOR THEATRE AND LANDSCAPE PACKAGES FOR THE CONVENTION CENTER/PERFORMING ARTS THEATRE PROJECT WITH HARRISON, WALKER & HARPER TOTALING \$934,631.00.

Kim Galvin, Budget and Purchasing Manager stated that the theatre equipment and landscaping packages for the new Convention Center were removed from the original Guaranteed Maximum Price and were slated for funding at a later time. Of the total requested, \$550,000 is already budgeted leaving a balance of \$384,637 additional funds required to complete these portions of the project. The 4B Board approved this request at their June 18, 2009 meeting.

Speakers: Alden Nellis spoke against this item.

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>

RS2. RS06-2009-49

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF CLEBURNE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009.

Kim Galvin, Budget and Purchasing Manager stated that the performance contract with Siemens will require third party financing of an amount of \$2,500,000. The State Energy Conservation Office (SECO) will fund the remaining \$7,234,590 at three percent (3%). After reviewing all of our financing options with our financial advisors, First Southwest, it is their recommendation that the City consider issuing Certificates of Obligation to secure the most favorable rate available.

Jim Sabonis, First Southwest, gave a brief overview of this item.

Speakers: Alden Nellis spoke against this item.

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>

RS3. RS06-2009-50

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF CERTAIN EXPENDITURES FROM THE FUTURE ISSUANCE OF CITY OF CLEBURNE, TEXAS TAX-EXEMPT OBLIGATION.

Kim Galvin, Budget and Purchasing Manager stated that in the event the City elects to issue tax-exempt bonds for the third party financing portion of the performance contract, it will be necessary to obligate current funds to the project. The Rate Mitigation and Capital Improvement Reserve was established for these types of capital transactions. The Reserve would be pledged at the beginning of the performance contract, and cease upon receipt of the bond funds. This will only be a short term pledge to allow the City to continue to move forward and capture the savings and increased revenues associated with the performance contract.

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

ORDINANCES

OR1. OR06-2009-34

AN ORDINANCE AMENDING THE 4B SALES TAX FUND AND THE 4B CAPITAL PROJECT FUND FOR THE CITY OF CLEBURNE FOR FISCAL YEAR 2008-2009, BY ALLOCATING \$46,820.00 FROM THE 4B SALES TAX FUND BALANCE TO CAPITAL - STRUCTURES, CONVENTION CENTER/PERFORMING ARTS CENTER 5162-8820.

Kim Galvin, Budget and Purchasing Manager stated that additional funds are needed to provide for the landscaping project for the Convention Center & Performing Arts Center. The amount of \$46,820 will be allocated to the Capital Projects Fund from the 4B Sales Tax Fund. The 4B Board

approved the expenditure pending authorization of the City Council on June 18, 2009.

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>

OR2. OR06-2009-35

AN ORDINANCE AMENDING CHAPTER 98, "PARKS AND RECREATION-LAKE PAT CLEBURNE", OF THE CODE OF ORDINANCES BY ADDING A NEW § 98.074, "OPERATION OF MOTOR VEHICLES PROHIBITED EXCEPT IN DESIGNATED AREAS".

Max Robertson, Director of Parks and Recreation stated that the Parks and Recreation Board has reviewed an ordinance to better control vehicular traffic in and around Lake Pat Cleburne. The Board recommends favorable consideration by the City Council for the adoption of this Ordinance.

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>

OR3. OR06-2009-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE PLEDGE OF THE WATER/WASTEWATERATE MITIGATION RESERVE IN THE AMOUNT OF \$2,500,000.00.

Kim Galvin, Budget and Purchasing Manager stated that this Ordinance will provide for the pledge of the Rate Mitigation and Capital Improvement Reserve for the Siemens Performance Contract. Upon receipt of the bond funds, the pledge would cease.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
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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>

OTHER COUNCIL MATTERS

OC1.

APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

Donna Jackson, Director of Development Services & Transportation stated that Brannon Potts' second term expires June 28, 2009. Staff requests Council consider appointment to fill this vacancy.

MOTION: to appoint Carlyne Bosworth

	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>

OC2.

APPOINTMENT TO THE HISTORICAL PRESERVATION COMMISSION.

Donna Jackson, Director of Development Services & Transportation stated that Gary Ewart has resigned due to unforeseen circumstances. Lynn Buker is willing to serve on the Commission if so appointed.

MOTION: to appoint Lynn Buker

	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>

CITIZENS COMMENTS

Bill Miller spoke about the possibility of a train watching deck near the Intermodal to draw tourism.

ADJOURNED AT: 7:30 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: July 14, 2009

CITY OF CLEBURNE



Ted Reynolds, Mayor

ATTEST:



Shelly Doty, City Secretary