



REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 25, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:02 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
- ✓ 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
- ✓ Debra Powledge, Human Resources

Media:

- ✓ Matt Smith, Times-Review
-

II. INVOCATION by Reverend John Warren

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE AUGUST 11, 2009 REGULAR COUNCIL MEETING.

OR1. OR08-2009-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING THE CAPITAL PROJECTS FUND AND THE MINERAL & ROYALTY FUND FOR THE FISCAL YEAR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009, BY

TRANSFERRING \$700,000 FROM THE MINERAL & ROYALTY FUND TO CAPITAL FUND 53 WITH \$150,000 TO BE TRANSFERRED TO 5379-8851, CAPITAL - STREETS AND \$550,000 TO 5379-8850, CAPITAL - STREETS.

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

BRIEF: These funds are being used to complete the Sparks Drive project (\$550,000) and the Elmo Street project (\$150,000).

OC1.

APPROVE RE-PLAT OF LOT 1-R, BLOCK 1, EO COMMERCE ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, LOCATED EAST OF 311 COMMERCE (BEING 2.903 ACRES OF THE D. HUNTER SURVEY ABSTRACT NUMBER 347 AND THE A.M. MCBRAYER SURVEY ABSTRACT NUMBER 596) DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 4315, PAGE 374 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, REQUESTED BY EO COMMERCE STREET, LLC, ELWYN OWEN, MANAGER, REPRESENTED BY RECER & FOX, INC.

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

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of July 27, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be industrial and commercial. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 4-0.

OC2.

CONSIDER THE FINAL PLAT OF LOT 1, BLOCK 1, INTERMODAL ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, LOCATED AT 206 NORTH BORDER STREET (BEING 1.032 ACRES OF THE CHRISTOPHER CHANEY SURVEY, ABSTRACT NUMBER 124 IN THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS), DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 1998, PAGE 373, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, 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 & Zoning Commission (P&Z) considered this request at its meeting of July 27, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be mixed use - transitional use, public, commercial and industrial. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 4-0.

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	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

RS1. RS08-2009-60

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR PURCHASE OF REAL PROPERTY FOR EXPANSION OF A CITY FACILITY.

Chester Nolen, City Manager stated that this is for acquisition of the "Snowflake Dairy" property on N. Main. This will be at no cost to the City with a portion coming from the Amon Carter Foundation, the Hazlewood Family and an anonymous donor.

MOTION: to authorize the City Manager to negotiate and execute documents necessary for acquisition of real property to be used for expansion of the Layland Museum

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

RS2. WITHDRAWN BY STAFF

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE NECESSARY DOCUMENTS RELATED TO PURCHASE/LEASE OF PROPERTY FOR CONSTRUCTION OF ELEVATED TOWER.

ORDINANCES

**OPENED PUBLIC HEARING*

OR2. OR02-2009-53

AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF THE ALLEY ON THE EAST SIDE OF 513 EUCLID STREET BETWEEN LOT 9, BLOCK 852 CRESTVIEW ADDITION, AS REQUESTED BY BILLIE L. HASSELL.

Ann Powell, Planning and Zoning Coordinator stated that notice was sent to all adjoining property

owners, utility companies, Development and Transportation Services, Public Works, Fire, Health & Code and Police Departments. Publication notice was given as required by State Law The fifteen (15) foot north/south alley is located between Lot 9, Block 852 Crestview Addition and Lot 6, Block B Fairfield Addition also known as Block 779 according to the Official Map of Cleburne. If this north/south alley is closed, title to one-half of the closed alley will revert to the owners of the adjacent property on each side of the alley as of the date of adoption of the Ordinance and the Ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

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**

OC3.

HOLD A PUBLIC HEARING ON THE 2009 TAX RATE AND ANNOUNCE THE DATE, TIME, AND PLACE OF THE MEETING AT WHICH THE CITY COUNCIL WILL VOTE ON THE TAX RATE AS REQUIRED BY SECTION 5.05 OF THE TAX CODE, ALSO KNOWN AS "TRUTH-IN-TAXATION".

Greg Wilmore, Director of Finance stated that this is the second step in the Truth-in-Taxation process that will allow the Council to set the property tax rate above the effective tax rate. A Public Notice titled NOTICE OF PUBLIC HEARING ON TAX INCREASE was published on Sunday August 16, 2009. The Council will hold it's second public hearing for the 2009 Tax Rate at a special called meeting on September 1, 2009 at 6pm, City Hall, 10 North Robinson, Cleburne, TX. Staff recommends setting of the tax rate at the regular council meeting on September 08, 2009 at 7pm in City Hall, 10 North Robinson, Cleburne, TX. This action would allow the City to set the property tax rate at any level above the effective rate of \$.5965. The proposed tax rate is \$.62/\$100 Valuation and the rollback rate is \$.6427/\$100 Valuation.

Speakers: none

***CLOSED PUBLIC HEARING**

MOTION: to approve setting the tax rate at a regular City Council meeting of September 8,

2009 in the City Hall Council Chambers, 10 N. Robinson St., Cleburne, TX

	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>

OC4.**SETTING OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE 2009/2010 BUDGET.**

Greg Wilmore, Director of Finance stated that according to Section 62 of the City Charter, the City Council has to set the time and place for a Public Hearing on the 2009/10 Budget. The Council shall also cause to be published a notice of the time and place of the meeting, not less than seven days after the date of publication, at which the City Council will hold the public hearing. Staff recommends the regularly scheduled meeting of September 08, 2009, at 7 p.m. in the Council Chambers at City Hall, 10 North Robinson, Cleburne, TX. This ad will appear in the Times Review on Sunday, August 30, 2009.

MOTION: to set the Public Hearing for the 2009/2010 budget for September 8, 2009 at 7:00 p.m. in the City Hall Council Chambers, 10 N. Robinson St., Cleburne, TX

	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>

OC5.**DISCUSS APPOINTMENTS TO THE TAX INCREMENT FINANCING DISTRICT BOARD #1 (INDUSTRIAL PARK).**

Greg Wilmore, Director of Finance requested that the Council replace Kyle Boles and Robert Force who are no longer serving on the City Council with current Councilmembers. Staff also requests the Council confirm the appointment of Don Beeson by the Johnson County Commissioner's Court to fill the unexpired term of R.C. McFall.

MOTION: to appoint Gayle White and Robert Kelly and to confirm the appointment of

Commissioner Don Beeson

	Motion	Second	Aye	No	Abstain	Absent	Result
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>

OC6.

DISCUSS APPOINTMENTS TO THE TAX INCREMENT FINANCING DISTRICT BOARD #2 (DOWNTOWN).

Donna Jackson, Director of Development Services & Transportation requested that the Council reappoint Mayor Ted Reynolds whose first term has expired and replace Robert Force who is no longer serving on the Council with a current Councilmember. Staff also requests Council confirm the appointment of Roger Harmon by the Johnson County Commissioner’s Court.

MOTION: to reappoint Mayor Reynolds, appoint Dale Sturgeon and confirm the appointment of County Judge Roger Harmon

	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

None

ADJOURNED AT: 7:17 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: September 8, 2009



CITY OF CLEBURNE

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

Ted Reynolds, Mayor

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

Shelly Doty, City Secretary