



**REGULAR CITY COUNCIL MEETING MINUTES**  
**SEPTEMBER 8, 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  
 ✓ 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 Rev. J.D. Wright, North Cleburne Church of Christ

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Proclamation                      National Food Safety Education Month, September 2009

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

**CONSENT ITEMS**

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 AUGUST 25, 2009 REGULAR COUNCIL MEETING.**

**BQ1.**

**AWARD DEMOLITION SERVICES TO LYNESS CONSTRUCTION IN THE AMOUNT OF \$46,880.**

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

**BRIEF:** Six bids were received on September 1, 2009. Lyness Construction provided the lowest most responsible bid meeting minimum specifications.

**RS1. RS09-2009-61**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ACCEPTING 5310 FEDERAL ELDERLY & DISABLED TRANSPORTATION GRANT FUNDS IN THE AMOUNT OF \$47,300.**

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

**BRIEF:** City/County Transportation has been awarded an additional \$47,300 in Federal funds to be used for shop equipment, communication equipment and preventative maintenance during FY 2010. The original \$20,000 was approved at the March 24th council meeting. The total amount awarded with this amendment will be \$67,300, with a local match of \$16,825.

**RS2. RS09-2009-62**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ACCEPTING A 5311 STATE RURAL TRANSPORTATION FUND GRANT IN THE AMOUNT OF \$303,337.**

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

**BRIEF:** City/County Transportation has been awarded \$303,337 in State 5311 rural funds to be used for operating and administrative expenses during FY 2010. No local match is required.

**RS3. RS09-2009-63**

**A RESOLUTION AMENDING THE 4B ECONOMIC DEVELOPMENT CORPORATION'S ARTICLES OF CORPORATION AND BYLAWS RELATING TO TERMS OF SERVICE FOR BOARD OF DIRECTORS.**

Person presenting this item: Rick Holden, Assistant City Manager

**BRIEF:** The 4B Board approved amendments to the Articles of Corporation and Bylaws during their regular meeting August 20, 2009 allowing members to serve two (2) full years once appointed. Additionally, no member can serve more than two consecutive terms. This amendment is consistent with other City Board appointments and is particularly effective when a member is appointed to serve an unexpired term of another member.

**OC1.**

**APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2009.**

Person presenting this item: Greg Wilmore, Director of Finance

**OC2.**

**APPROVE FINAL PLAT OF LOT 1, BLOCK 1, LONE STAR RANCH & OUTDOOR – TRACTOR FACILITY, LOCATED AT THE NORTHWEST INTERSECTION OF WEST INDUSTRIAL AND SH 171 NORTH (WEATHERFORD HIGHWAY), AS REQUESTED BY RNDM FAMILY INVESTMENTS, LTD., 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 August 10, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be 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 7-0.

**OC3.**

**APPROVE FINAL PLAT OF LOT 2-R-1, BLOCK 1, SUPERIOR CONCRETE PARK, LOCATED AT 2026 STATE HIGHWAY 171 NORTH (WEATHERFORD HIGHWAY), AS REQUESTED BY SKYLINE CHEMICAL, 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 August 10, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be industrial and moderate and high density residential. We have received no inquiries or objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 6-1, with Mrs. Corder voting in opposition.

**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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**RESOLUTIONS**

**RS4. RS09-2009-64**

**A RESOLUTION ACCEPTING A RECOMMENDATION FROM THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS OFFICIALLY NAMING THE NEW CIVIC CENTER COMPLEX AS "CLEBURNE CONFERENCE CENTER".**

Rick Holden, Assistant City Manager stated that the Civic Center Naming Committee comprised of members of the 4B Board of Directors, City Council and Chamber of Commerce met and made a recommendation to the 4B Board to name the new complex "Cleburne Conference Center". The 4B Board met on August 21<sup>st</sup> and voted unanimously to name the new complex "Cleburne Conference Center". Staff recommends Council approve that recommendation. Future options include the possible "naming" of individual meeting rooms within the Center".

**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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**ORDINANCES**

***\*OPENED PUBLIC HEARING***

**OR1. OR09-2009-54**

**AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE CITY OF CLEBURNE FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010.**

Greg Wilmore, Director of Finance stated that Section 63 of the Charter states that we have a public hearing and adopt an ordinance to approve the 2009/2010 Budget. The City Manager and Staff presented the 2009/2010 Budget at special workshops on the following dates: August 11, 18 and 25. This hearing is for public input into the proposed 2009/2010 Budget. Mr. Wilmore gave a brief overview of the budget.

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

**\*OPENED PUBLIC HEARING**

**OR2. OR09-2009-55**

**AN ORDINANCE SETTING THE 2009 TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE FOR FISCAL YEAR 2009/2010; THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S RATE; THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.94 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED; ASSESSING PENALTY AND INTEREST FOR THE NON-PAYMENT OF SUCH TAXES WITHIN THE TIME SET; PROVIDING AN EFFECTIVE DATE.**

Greg Wilmore, Director of Finance stated that this Ordinance will adopt the 2009 tax rate for the fiscal year 2009/2010 budget year. The proposed rate is \$.62 per \$100 valuation, which is the same as last year's tax rate. All required publications and requirements have been met according to the Open Meetings Act and Section 26.05(b) of the Property Tax Code. Copies of all notices published in the Times Review are provided in the backup. This year's proposed tax rate exceeds the effective tax rate of \$.5965/\$100 valuation. The vote on the ordinance setting the tax rate must be a record vote. The motion needs to be as follows; "I move that the property tax rate be increased by the adoption of a tax rate of \$.62 per \$100 valuation, which is effectively a 3.94 percent increase in the tax rate".

Speakers: none

**\*CLOSED PUBLIC HEARING**

**MOTION:** that the property tax rate be increased by the adoption of a tax rate of \$.62 per \$100 valuation, which is effectively a 3.94 percent increase in the tax rate.

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>X Roll Call</b>

**OR3. OR09-2009-56**

**AN ORDINANCE AMENDING RATES FOR WASTEWATER SERVICE AND**

**INDUSTRIAL WASTE FOR THE CITY OF CLEBURNE.**

Greg Wilmore, Director of Finance stated that the wastewater rates in this Ordinance reflect the following changes: 5% increase to all residential and commercial users including the service demand charge increase to \$8.88 per month, the residential maximum is based on 13,500 gallons or \$45.60/month, and the industrial part of the ordinance has been increased by 5%. Examples and survey included in the backup.

Speakers: Alden Nellis spoke against this item

**MOTION: to postpone until the September 22, 2009 regular Council Meeting**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly				X			Approved as presented
White		X	X				Approved as amended
Sturgeon			X				Denied
Warren	X		X				Withdrawn
Reynolds			X				X Postponed until: 9-22
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>X Roll Call</b>

**OTHER COUNCIL MATTERS**

**OC4.**

**APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.**

Ann Powell, Planning and Zoning Coordinator stated that Jim Curlee's second term expired August 23, 2009, which leaves a vacancy to be filled. Joseph M. Ardy has expressed an interest in serving on the P&Z and has completed an application (see workshop backup).

**MOTION: to appoint Joseph M. Ardy**

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**OC5.**

**APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.**

Ann Powell, Planning and Zoning Coordinator stated that Steve Shaffer's second term expires September 27, 2009 which leaves a vacancy to be filled. Jim Curlee's second term on the Planning &

Zoning Commission (P&Z) expired August 23rd. Mr. Curlee is currently Chairman of the P&Z. He has submitted an application (see workshop backup) and is willing to serve on the ZBA if appointed. Any appointment should be effective September 28, 2009.

**MOTION: to appoint Jim Curlee effective September 28, 2009**

	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>

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**CITIZENS COMMENTS**

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Lisa Maurer spoke on issues with gangs and too many people living in one house in the N. Anglin area and requested that Code Enforcement inspect the properties when they are empty.  
 Mayor Reynolds requested that she meet with him after the meeting.  
 Pat Briscoe spoke on issues with vandalism and too many people living in one house in the N. Anglin area; properties not being kept up; and issues with young people threatening them when outside.

**ADJOURNED AT: 7:50 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: September 22, 2009**

**CITY OF CLEBURNE**



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**Ted Reynolds, Mayor**

**ATTEST:**

  
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**Shelly Doty, City Secretary**