



REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 24, 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
- ✓ Debra Powledge, Human Resources
- ✓ Max Robertson, Parks & Recreation
- ✓ Greg Wilmore, Finance

Department Heads:

- ✓ Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning
- ✓ Randy Jenkins, Fire Dept.

Media:

- ✓ Matt Smith, Times-Review
-

II. INVOCATION by Rev Joe Ardy, Ascension Lutheran Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS None

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 NOVEMBER 10, 2009 REGULAR COUNCIL

MEETING.

BQ1.

AUTHORIZE PURCHASE OF STORAGE AREA NETWORK DEVICES FROM THE HARDING GROUP IN THE AMOUNT OF \$28,730.

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

BRIEF: Three quotes were received and The Harding Group provided the lowest most responsible bid. This storage will provide the City with much needed storage space to ensure documentation as well as police videos are properly maintained. The budget includes \$25,000 to purchase this storage device. Additional funding will be provided through departmental savings in other budgeted line items.

RS1. RS11-2009-84

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MCCI, LLC FOR PURCHASE AND IMPEMENTATION OF LASERFICHE RECORDS MANAGEMENT SOFTWARE IN AN AMOUNT NOT TO EXCEED \$69,154.

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

BRIEF: Laserfiche records management software is a records repository allowing storage, retrieval and imaging of all documents and is currently utilized in the City Secretary's office for management of the City's historic and permanent records. Expanding the use of this software City-wide will move the City toward a centralized records repository for managing the retention of the City's vital records, will eliminate much of our paper needs, reduce the need for additional storage area, increase available workspace, and increase efficiency thereby saving personnel time. As part of the contract, MCCi, LLC will provide analysis of our current systems, software installation, training, and support services.

RS2. RS11-2009-85

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SOUTHWEST SOLUTIONS GROUP FOR PURCHASE OF SPACESAVER HIGH DENSITY SHELVING FOR THE SMITH HISTORY CENTER IN AN AMOUNT NOT TO EXCEED \$95,000.

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

BRIEF: This item will provide for the purchase and installation of the space saver shelving included in the Smith History Center renovation.

OC1.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CARROLL ADDITION (LOCATED EAST OF 1499 WEST VAUGHN ROAD IN CLEBURNE'S EXTRATERRITORIAL

JURISDICTION, BEING 3.008 ACRES OF THE B.B.B. & C.R.R. SURVEY), AS REQUESTED BY GARLAND L. AND HELEN CARROLL, 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 October 26, 2009. Notice was given as required by State law. The comprehensive Land Use Plan shows this area to be 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 6-0.

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

ORDINANCES

***OPENED PUBLIC HEARING**

ORI. OR11-2009-69

AN ORDINANCE APPROVING A SIGN VARIANCE FOR AN LED SIGN IN AN "SF-4" RESIDENTIALLY ZONED AREA LOCATED AT 1315 GRANDVIEW HIGHWAY, AS REQUESTED BY EASTERN HEIGHTS CHURCH, REPRESENTED BY FOSTER ATKINS, SIGNCO LED'S.

Donna Jackson, Director of Development Services stated that this is a request of the Eastern Heights Church for an LED sign to be located at their facility located at 1315 Grandview Hwy. This property is zoned SF-4 (Single Family Dwelling District). Pursuant to Code of Ordinances Section 156.21, Electric Display Screens or Electronic Message Center Signs are only allowed in "CO", "C1", "C2", "C3", "M1" and "M2" zoning districts. The LED sign will be attached to the existing monument sign. The requirements of size, height and location of the LED signage on a Texas Highway are being met.

Speakers: Foster Atkins, Signco LED's, spoke in favor of this item

***CLOSED PUBLIC HEARING**

MOTION: to approve as presented

	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	Motion Carried		Motion Failed				Roll Call

***OPENED PUBLIC HEARING**

OR2. OR11-2009-70

AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF (OLD) WOODARD AVENUE (CR 1121) THROUGH THE CLEBURNE MUNICIPAL AIRPORT, AS REQUESTED BY THE CITY OF CLEBURNE.

Ann Powell, Planning and Zoning Coordinator stated that notice was given as required by State Law and the adjoining property owners were notified along with the utility companies and applicable City Departments. Research could find no record that the street was ever formally closed. If the street is closed, title will revert to the owner (City of Cleburne) as of the date of adoption of the Ordinance and the Ordinance shall be recorded by the City Secretary 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 Approved as presented
White		X	X				Approved as amended
Sturgeon	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

***OPENED PUBLIC HEARING**

OR3. OR11-2009-71

AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF THE CLEBURNE BRAZOS POINT ROAD (LOCATED AT 1304 WEST HENDERSON STREET), AS REQUESTED BY CURRIN CAPITAL, INC.

Ann Powell, Planning and Zoning Coordinator stated that notice was given as required by State Law and the adjoining property owners were notified along with the utility companies and applicable City Departments. Staff does not believe that the City has an interest in this property. However, officially closing this portion of the road will clear title problems. Since the property has been quit claimed to the applicant by the State, if the street is closed, the Ordinance should reflect that title to the entire tract vests in Currin Capital, Inc. and the Ordinance shall be recorded by the City Secretary 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 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>

OR4. OR11-2009-72

AN ORDINANCE GRANTING A VARIANCE FOR CURB AND GUTTER REQUIREMENTS AT 201 S. FRONT STREET, AS REQUESTED BY MANNING COWARD.

David Esquivel, Director of Public Works stated that Code of Ordinances Section 154.082, Construction Requirements, requires that curb and gutter be constructed on developed lots unless otherwise approved. Section 154.010 allows developers to appeal to the City Council for a waiver of those requirements. The developer of 201 S. Front Street is requesting a variance on the City's requirement for curb and gutter to be installed on city streets upon development.

MOTION: to approve temporary variance for a period of 10 years

	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>

OR5. OR11-2009-73

AN ORDINANCE AMENDING TITLE IX – GENERAL REGULATIONS, CHAPTER 101 – CIVIC CENTER, BY ADOPTING A FEE SCHEDULE FOR THE NEW CONFERENCE CENTER.

Rick Holden, Assistant City Manager stated that the 4B Board approved the proposed rate schedule for the Cleburne Conference Center at their November 19, 2009 regular meeting. They further recommended the rates be reviewed annually. A committee including Chamber staff, City staff, and 4B Board members prepared the proposal after careful review and comparison of similar facilities around the state and area. Special rates were considered for local non-profit groups wishing to

utilize the facility.

MOTION: to approve with increase to rate for room C-1 from \$100 to \$125 per ½ day rental and \$200 to \$225 per full day rental, the addition of lobby rates of \$150 per ½ day and \$300 per full day, and a non-profit rate discount of 30%

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

OTHER COUNCIL MATTERS

OC2.

APPOINTMENTS TO PARKS AND RECREATION BOARD.

Mayor Reynolds stated that Mary Ann Wheatley and Barbara Robinson will complete their first term on the Parks and Recreation Board on November 27, 2009. Both have been contacted and have agreed to serve a second term, if appointed.

MOTION: to reappoint Mary Ann Wheatley and Barbara Robinson

	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	Motion Carried		Motion Failed				Roll Call

OC3.

APPROVE A PAYMENT TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR PUBLIC HEALTH SERVICES WATER SYSTEM FEES IN AN AMOUNT OF \$28,117.70.

David Esquivel, Director of Public Works stated that TCEQ required fees for FY2009 were \$5,633.92. For FY 2010, the fees have increased dramatically to \$28,117.70. Texas State Legislature approved a request from TCEQ to increase fees for their water activities fund in the last legislative session. The variable fee is subject to change from year to year based on other funding received by TCEQ. It is impossible to know what fees the City will be charged until the invoice is received. These fees are assessed on all public water providers.

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

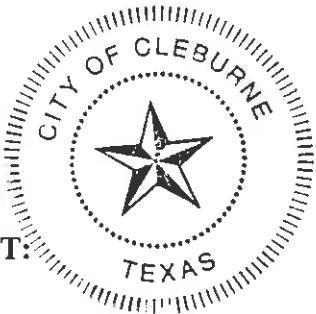
CITIZENS COMMENTS

None

ADJOURNED AT: 7:27 p.m.

APPROVAL OF MINUTES

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



ATTEST:

CITY OF CLEBURNE

Ted Reynolds, Mayor

Shelly Doty, City Secretary