



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

Department Heads:

- ✓ Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Reverend John Warren

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Presentation to Parks Department Volunteers (Grace Clanton)

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

ITEMS PULLED FROM CONSENT AGENDA

C1. MINUTES

APPROVAL OF MINUTES FOR THE NOVEMBER 24, 2009 REGULAR COUNCIL MEETING.

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Warren		X	X				Withdrawn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>

BQ1.

AWARD REFUSE BAG CONTRACT TO DYNA PAK CORPORATION.

Kim Galvin, Budget and Purchasing Manager stated that the Annual Refuse Bag contract was formally bid and awarded to Dyna Pak Corporation in January 2006. The terms and conditions of the 2006 bid included an option for four (4) one year renewals if agreed upon by both parties. Dyna Pak Corporation has agreed to a one year renewal at current pricing. This represents the fourth renewal.

2006 Contract Price	\$5.32	2008 Contract Price	\$5.58
2007 Contract Price	\$5.32	2009 Contract Price	\$5.58

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Warren	X		X				Withdrawn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>

BQ2.

AUTHORIZE PURCHASE OF PORTABLE AND MOBILE RADIOS FOR COUNTY WIDE FIRE COMMUNICATIONS FROM MOTOROLA IN THE AMOUNT OF \$177,942.75.

Kim Galvin, Budget and Purchasing Manager stated that these radios will be funded by NCTCOG through the homeland security grant program. All invoices will be paid directly by NCTCOG. The radios will be distributed throughout Johnson County to ensure lines of communication between fire departments and emergency management is maintained. Motorola was awarded a competitive bid through H-GAC for providing communications equipment to participating agencies. This bid process meets all of the State of Texas purchasing requirements.

MOTION: to approve as presented

Motion	Second	Aye	No	Abstain	Absent	Result
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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

OCI.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2009.

Person presenting this item: Greg Wilmore, Director of Finance

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	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

RS1.

RS12-2009-86

A RESOLUTION DESIGNATING A NOMINEE TO THE REGIONAL EMERGENCY PREPAREDNESS PLANNING COUNCIL (EPPC), AS REQUESTED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS.

Chester Nolen, City Manager stated that the North Central Texas Council of Governments (NCTCOG) is seeking nominations from Cleburne's jurisdiction for the Regional Emergency Preparedness Planning Council (EPPC). County Commissioner Don Beeson has completed the allotted number of terms, thus creating a vacancy. The NCTCOG Executive Board will review all nominations and select members at their January 28, 2010 Executive Board meeting.

MOTION: to nominate Gayle White

	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

RS2. WITHDRAWN BY STAFF
A RESOLUTION APPROVING AN OIL/GAS DRILLING PERMIT FOR HODGES TRUST 1H, AS REQUESTED BY CHESAPEAKE OPERATING, INC.

David Esquivel, Director of Public Works requested to withdraw this item at this time, to be considered at a special called Council Meeting on December 18th at 5:00 p.m.

*Mayor Reynolds and Councilmember Kelly filed a conflict of interest affidavit and refrained from discussion on this item.

ORDINANCES

OR1. OR12-2009-74
AN ORDINANCE AMENDING TITLE III, ADMINISTRATION; CHAPTER 30, CITY GOVERNMENT; SECTION 30.05A, TORT LIABILITY, NOTICE REQUIRED, TO ADHERE TO CHAPTER 101.101 OF THE CIVIL PRACTICE AND REMEDIES CODE, REQUIRING CITIZENS TO ESTABLISH CLAIMS NO LATER THAN SIX (6) MONTHS AFTER THE DATE THE DAMAGE OR INJURY WAS RECEIVED; AND SECTION 30.05B, DELIVERY, TO UPDATE THE CITY SECRETARY'S ADDRESS TO 10 N. ROBINSON, CLEBURNE, TX 76033.

Debra Powledge, Director of Human Resources stated that the Civil Practice and Remedies Code Title 5 Chapter 101.101 Tort Claims states that a governmental unit is entitled to receive notice of a claim against it under this chapter no later than six months after the day that the incident giving rise to the claim occurred. Our Ordinance and the Charter are not congruent with Tort Liability Law. We would like to bring the ordinance up to date and also notate the address change.

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	Motion Carried		Motion Failed				Roll Call

OR2. FAILED FOR LACK OF MOTION
AN ORDINANCE APPROVING A SIGN VARIANCE PERMITTING AN LED ELECTRONIC MESSAGE CENTER LOCATED AT 421 WEST HENDERSON WHICH IS WITHIN 500 FEET OF ANOTHER LED SIGN, AS REQUESTED BY LENNIE SELLARS, DOWNTOWN MOTORS.

Donna Jackson, Director of Development Services stated that this is a request for variance for an LED electronic message center to be located at 421 West Henderson. According to Section 156.21 (D) 7 no electronic display screen shall be approved within 500 feet of another electronic display screen. The LED sign at 405 W. Henderson is approximately 487 feet of the proposed site. According to Section 156.21 (A) City Council Authority, the City Council is given the authority to hear and grant variance appeals. In hearing such appeals, the City Council...may consider whether or not the regulations and standards of this Ordinance will by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship." "Upon request of an interested party, the City Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section." "The decision of the City Council shall be final."

MOTION: Failed for lack of a motion

***OPENED PUBLIC HEARING**

OR3. OR12-2009-75

AN ORDINANCE REZONING 1300 NORTH BRAZOS FROM C1 (LOCAL BUSINESS DISTRICT) TO D (DUPLEX DWELLING DISTRICT), AS REQUESTED BY MCPETE PROPERTIES, LLC.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of November 9, 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 Mixed Use - Transitional use. We have received no inquiries or objections. P&Z recommended approval 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 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

OTHER COUNCIL MATTERS

OC2.

CONFIRM CITY MANAGER'S APPOINTMENT OF WILLIAM MASON TO THE CIVIL SERVICE COMMISSION.

Chester Nolen, City Manager stated that Brad Young's first term expires in December and he has indicated that he will be unable to serve a second term.

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>

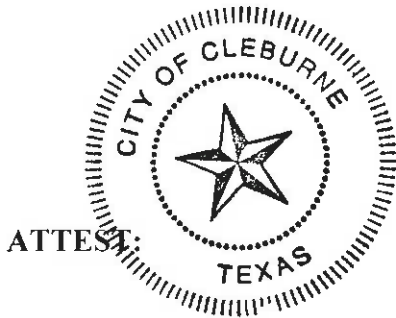
CITIZENS COMMENTS

None

ADJOURNED AT: 7:46 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: January 12, 2009



ATTEST:

Shelly Doty
 Shelly Doty, City Secretary

CITY OF CLEBURNE

Ted Reynolds
 Ted Reynolds, Mayor