



**REGULAR CITY COUNCIL MEETING MINUTES**  
**MARCH 9, 2010**  
**7:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON**

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**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

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**II. INVOCATION by Max Robertson**

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMUNITY INTEREST MATTERS**

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|--------------|---|
| Presentation | Lifesaving Award – Tracy Todd                               |
| Proclamation | American Red Cross Month, March 2010                        |
|              | March for Meals Awareness Month, March 2010                 |
|              | International Women’s Day and Zonta Rose Day, March 8, 2010 |

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

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**CONSENT ITEMS**

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**C1. MINUTES**

**APPROVAL OF MINUTES FOR THE FEBRUARY 23, 2010 REGULAR COUNCIL MEETING.**

**BQ1.**

**AWARD BID FOR ELMO STREET PAVING AND DRAINAGE IMPROVEMENTS TO JRJ PAVING IN THE AMOUNT OF \$439,257.97.**

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

BRIEF: Bids were received on March 2, 2010 and reviewed by Childress Engineers. JRJ Paving submitted the lowest bid, meeting all minimum specifications. JRJ Paving has been awarded contracts with the City previously and has always completed the projects satisfactorily.

**BQ2.**

**AWARD BID FOR SPARKS DRIVE PAVING AND IMPROVEMENTS TO AMS COMPANY IN THE AMOUNT OF \$282,603.83.**

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

BRIEF: Bids were received on March 2, 2010 and reviewed by Childress Engineers. AMS Company submitted the lowest bid, meeting all minimum specifications. AMS Company has performed services for the City on numerous contracts satisfactorily.

**BQ3. Removed from Consent**

**AWARD BID FOR THE CHAMBER OF COMMERCE AND ECONOMIC DEVELOPMENT OFFICE BUILDING TO BBC CONSTRUCTION GROUP IN THE AMOUNT OF \$767,160.**

**RS1.**

RS03-2010-16

**A RESOLUTION ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION AND THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS.**

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: The City is a member of Cities Aggregation Power Project, Inc. ("CAPP"). The CAPP Board of Directors has voted to authorize certain legislative efforts pertaining to the Sunset Commission's review of the Public Utility Commission ("PUC") and the Electric Reliability Council of Texas ("ERCOT"). The Sunset agency's recommendations pertaining to both organizations are expected to form the basis of bills during the 82nd Legislative Session in 2011. As such, CAPP will recommend legislative action related to the Sunset Commission's examination of both the PUC and ERCOT. In addition, CAPP will offer all resolutions of its members during Sunset hearings to apprise lawmakers of CAPP Cities' perspective on how to make the electric market more competitive and beneficial to consumers.

**RS2. RS03-2010-17**

**A RESOLUTION ACCEPTING THE SEPTEMBER 30, 2009 AUDIT FOR THE CITY OF CLEBURNE, TX.**

Person presenting this item: Greg Wilmore, Director of Finance

**BRIEF:** Section 53 of the Charter states that staff will submit the annual audit to the City Council at such times and in such manner as the Council shall direct and in compliance with state and federal laws. For your consideration is the September 30, 2009 report as prepared by the audit firm of Gilliam Wharram & Co, PC. Staff, as well as Harold Gilliam and Debra Estep of the firm will present the report and answer any questions.

**OR1. OR03-2010-11**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150 "BUILDING REGULATIONS" CONCERNING DRINKING FOUNTAINS.**

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

**BRIEF:** This is to grant exceptions to the adopted International Building Code and International Plumbing Code to allow the use of a bottled water cooler for business establishments whose occupancy is less than 50. The existing requirement is for all business establishments, no matter the occupancy, to have a drinking fountain.

**OC1.**

**APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2010.**

Person presenting this item: Greg Wilmore, Director of Finance

**MOTION:** to approve with exception of BQ 3 to be considered separately

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

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**ITEMS PULLED FROM CONSENT AGENDA**

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**BQ3.**

**AWARD BID FOR THE CHAMBER OF COMMERCE AND ECONOMIC DEVELOPMENT OFFICE BUILDING TO BBC CONSTRUCTION GROUP IN THE AMOUNT OF \$767,160.**

Kim Galvin, Budget and Purchasing Manager stated that bids were received on March 2, 2010. References were contacted and bids/qualifications were reviewed by staff. BBC Construction Group's bid meets all minimum specifications.

David Esquivel stated that the footprint of the building would not affect the possibility of a turn lane in the future, but the plat that was approved at an earlier meeting would limit the area available for a turn lane.

**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>

**RESOLUTIONS**

**RS3. RS03-2010-18**  
**A RESOLUTION WAIVING CERTAIN PROVISIONS OF CHAPTER 98, PARKS AND RECREATION TO ACCOMODATE A YOUTH EVENT CALLED "WALK ON WATER" ON LAKE PAT CLEBURNE, AS REQUESTED BY SCOTT CAIN.**

Max Robertson, Director of Parks and Recreation stated that a request to hold an event on Lake Pat Cleburne has been received from Scott Cain. The event, Walk on Water, is an event designed to provide youth in our community with access to water sports, such as wakeboarding, who might not otherwise have the ability to learn the sport. Mr. Cain is working in conjunction with local youth organizations and churches to plan the one day event. Because this event will require considerable room on the Lake, the request requires that sections of the lake be closed to other activities during the event. The Cleburne Code of Ordinance, Section 98.069 allows for the accommodation of special events on the lake subject to City Council approval. City Staff has met with Mr. Cain to review the event. His plans include safety issues, supervision, crowd control, insurance, and general oversight of the event. Mr. Cain will also do considerable pre-event communication with other lake users and area residents to help minimize any inconvenience to these groups. The request is to hold this event on May 22, 2010 or June 5, 2010. Parking should be sufficient for an event this size.

Speakers: Scott Cain, proponent, spoke in favor of this item.

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

**ORDINANCES**

**OR2. OR03-2010-12**  
**AN ORDINANCE ESTABLISHING SECTION 98.500 – CLEBURNE SPORTS COMPLEX PROVIDING FOR A FEE SCHEDULE.**

Max Robertson, Director of Parks and Recreation stated that with the increased popularity and notoriety of the Cleburne Youth Sports Complex as a place to conduct sporting events, the 4B Board recommends the establishment of use fees for groups other than those contracted by 4B to conduct youth sports events. These charges would include groups, entities or individuals not associated with or contributing financially to the local associations contracted to conduct baseball, soccer or football programs for 4B. 4B recommends a charge of \$20 per team per event and \$20 per lighted field per event with a minimum charge of \$200.

**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>

**OR3. FIRST READING**  
**AN ORDINANCE GRANTING TO UNITED ELECTRIC COOPERATIVE SERVICES, INC., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND OTHER PUBLIC PROPERTY (PUBLIC RIGHTS-OF-WAY) OF CLEBURNE, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, AND PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE.**

Greg Wilmore, Director of Finance stated that this is the first of three readings in order to approve this Franchise Agreement with United Electric Cooperative Services. Our current franchise agreement with United Cooperative Services, Inc. is expiring. Wade Adkins with Taylor, Olson, Adkins, Sralla, & Elam, LLP has been working with staff on an acceptable franchise agreement with United Cooperative. A summary would include the following highlights: 1) 15 year term; 2) annual

payments based on kilowatt hours delivered; 3) adherence to the City's Right-of-Way Ordinance; 4) records kept and reports available for inspection; and 5) right to terminate with cause.

Speakers: Ray Beavers, proponent, spoke in favor of this item.

**MOTION: approved 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>

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**OTHER COUNCIL MATTERS**

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**OC2.**

**APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT CORPORATION'S BOARD OF DIRECTORS.**

Rick Holden. Assistant City Manager stated that Don Wilson is completing his second term on the 4B Board in March and is ineligible to serve another term at this time. Staff respectfully requests Council appoint a new member to fill this vacancy. Included in the backup is a list of citizens who have submitted an application for this Board. A list of applicants for this board is included in the backup.

**MOTION: to appoint Derek Schmidt**

	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>

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**CITIZENS COMMENTS**

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None

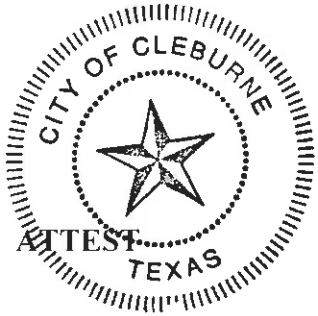
**ADJOURNED AT: 7:31 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: March 23, 2010**



**CITY OF CLEBURNE**

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

**Ted Reynolds, Mayor**

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

**Shelly Doty, City Secretary**