



REGULAR CITY COUNCIL MEETING MINUTES
APRIL 13, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR PRO TEM @ 7:01 PM

City Council:

- X** 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
- X** 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:

- X** Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning
- ✓ Randy Jenkins, Fire Services

Media:

- ✓ Matt Smith, Times-Review
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II. INVOCATION by Kevin Jones, Turning Point Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Proclamation Motorcycle Safety Awareness Month, April 2010
 Sexual Assault Awareness and Prevention Month, April 2010
 Take Your Family to the Park Day, April 25, 2010
 Relay For Life Day, June 4, 2010

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

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

BQ1. AWARD ANNUAL VEGETATIVE MANAGEMENT CONTRACT TO GREENLANDER, LLC.

Person presenting this item: Chester Nolen, City Manager

BRIEF: Quotes were requested and received from three vendors. Greenlander, LLC submitted the lowest, most responsible quote meeting minimum specifications. Greenlander, LLC has provided these services in the past satisfactorily. Staff recommends award.

BQ2. AWARD ANNUAL MOWING AND DEBRIS REMOVAL CONTRACT FOR ABANDONED TAX PROPERTIES AND FORECLOSURES TO LAWN WORKS.

Person presenting this item: Chester Nolen, City Manager

BRIEF: The City maintains approximately 70 abandoned lots awaiting tax sale each year. During the year properties are removed when sold and may also be added due to foreclosure or code violations. Ten quotes were received on March 29, 2010. Upon review, staff recommends awarding the April through October 2010 contract to Lawn Works, a Cleburne business.

OR1. OR04-2010-14 AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130 "GENERAL OFFENSES" BY MAKING CORRECTIONS TO SECTION 130.99, PENALTY;

Person presenting this item: Chester Nolen, City Manager

BRIEF: This Ordinance is presented to make corrections to some of the penalty provisions within the General Offenses chapter. No amendments are being requested. This is only for housekeeping purposes.

OC1. APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2010.

Person presenting this item: Greg Wilmore, Director of Finance

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	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

ORDINANCES

OR2. OR04-2010-15

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).

Greg Wilmore, Director of Finance, stated that this is the third of three readings 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. Attached is that agreement. 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.

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>

OR3. OR04-2010-16

AN ORDINANCE AMENDING CHAPTER 130, "GENERAL OFFENSES" BY ADDING SECTION 130.25 PROHIBITING THE RIDING OF SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES ON CERTAIN CITY PROPERTY AND PRIVATE PROPERTY.

Rick Holden, Assistant City Manager stated that this Ordinance will protect certain City properties , such as the new Conference Center, and private properties from damages caused by users of skateboards, roller skates, and roller blades.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
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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>

OR4. OR04-2010-17

AN ORDINANCE AMENDING CHAPTER 155, ZONING BY AMENDING SECTION 155.30, “LAND USE TABLE”, SUBSECTION (A), BY ADDING “57 SOLAR PANEL ARRAY” AND “58 WIND TURBINE GENERATOR” TO THE CATEGORY OF “UTILITY AND SERVICE USES”; BY AMENDING SECTION 155.30, SUBSECTION (B), “CONDITIONS FOR SPECIFIC USES”, BY ADDING PARAGRAPH (35), “WIND TURBINE GENERATOR”; BY AMENDING SECTION 155.31, “DEFINITIONS, UTILITY AND SERVICE USES” BY ADDING NEW DEFINITIONS OF “DECIBEL”, “SOLAR PANEL”, “SOLAR PANEL ARRAY” AND “WIND TURBINE GENERATOR”;

Donna Jackson Zimmerman, Director of Development stated that this Ordinance was considered by the Planning & Zoning Commission (P&Z) in workshop on February 22, 2010, and at its regular meeting on March 8, 2010. This Ordinance was developed in response to a request from a utility to install wind turbines and solar arrays. They will be permitted with a Specific Use Permit in the M1 (Light Industrial District) and M2 (Heavy Industrial District) with conditions for a Wind Turbine Generator. A site plan will be required for each. This Ordinance does not include a solar panel which is used in connection with a residential use. P&Z recommended approval of this Ordinance by a vote of 3-2 with Mrs. Wileman and Ms. Pedigo voting against the Ordinance.

Speakers: Alden Nellis spoke against this item.

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>

****OPENED PUBLIC HEARING***

OR5. OR04-2010-18

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 - ZONING, REZONING 3412 - 3420 NORTH MAIN STREET FROM C3/SUP FOR EQUIPMENT STORAGE YARD, CONTRACTOR (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR EQUIPMENT STORAGE YARD, CONTRACTOR) TO C3/SUP FOR OIL/GAS SUPPLY YARD (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR OIL/GAS

SUPPLY YARD), AS REQUESTED BY ALLGAYER & ALLGAYER, LLC.

Ann Powell, Planning and Zoning stated that the Planning & Zoning Commission (P&Z) considered this request at its meetings of February 22, 2010 and March 8, 2010. 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 Industrial/Commercial Mixed Use. We have received a letter in opposition from L.E. Miller, Jr. dated February 15, 2010 along with a copy of his letter of November 16, 2007. P&Z recommended approval by a vote of 4-1 with the following conditions: (1) landscaping along the street and in front of the office building is required; (2) the driveway and parking area is to be strictly maintained so as to be dust free; (3) there will only be one entrance/exit and (4) the site plan be signed and dated by both the owner and the tenant. Mrs. Wileman voted in opposition. At this time Allgayer & Allgayer, LLC's tenant has decided to not lease the property. Mr. Allgayer asks that if the Council approves his request for this SUP, that he be given one year from the date of approval to lease this property to an oil/gas related business. If he has not leased it during this period, the property will revert to its base zoning of C3 (Commercial District). §155.47(B), SUP, Specific Use Permit of the Code of Ordinances provides that "A Building Permit shall be applied for and secured within one year from the time of granting the Specific Use Permit...". After discussion with the City Attorney, he feels that a CO (Certificate of Occupancy) would also fall under this provision.

Speakers: None

***CLOSED PUBLIC HEARING**

MOTION: to approve with all conditions added by the Planning and Zoning Commission and the one year time limit recommended by Staff

	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

OTHER COUNCIL MATTERS

OC2.

CONSIDER THE FINAL PLAT OF LOTS 1R AND 2R, BLOCK 1 LOWE'S ADDITION BEING A REPLAT OF LOT 1, BLOCK 1, LOWE'S ADDITION AS REQUESTED BY LOWE'S HOME CENTERS, INC. REPRESENTED BY MCDONALD'S USA, LLC.

Ann Powell, Planning and Zoning stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of March 8, 2010. 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 5-0.

Speakers: Steve Roetzel, McDonalds franchisee

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>

OC3.

MAKE APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION.

Donna Jackson Zimmerman, Director of Development state that the second term of Dan Ricker and Saundra Williams expires on April 11. Replacements will be needed for Mr. Riker and Ms. Williams.

MOTION: to appoint Gary Shaw

	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.

MAKE APPOINTMENT TO THE LIBRARY BOARD.

Greg Wilmore, Director of Finance, stated that the term of Wanda Rollen has expired. We respectfully request that Mr. Larry Grigsby be appointed as a replacement. He has been contacted and is willing to serve.

MOTION: to appoint Larry Grigsby

	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>		

OC5.

MAKE APPOINTMENTS TO THE MUSEUM ADVISORY BOARD.

Greg Wilmore, Director of Finance, stated that the Museum Advisory Board wishes to reappoint Cherryl Gilker and Ann Murphy who have each completed their first terms (04/22) and are willing to serve a second two-year term.

MOTION: to reappoint Cherryl Gilker and Ann Murphy

	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

Bill Miller spoke on the need for more local representation on the Council of Governments and suggested appointing Rick Holden and Donna Zimmerman.

ADJOURNED AT: 7:37 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: April 27, 2010