



REGULAR CITY COUNCIL MEETING MINUTES
APRIL 27, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:07 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
- X 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
- X Ann Powell, Planning & Zoning

Media:

- ✓ Matt Smith, Times-Review
-

II. INVOCATION by Councilmember John Warren

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Presentation of Photos/Plaque of Appreciation to the City from Whistle Stop Committee (Robert Force, Cathy Marchel)

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE APRIL 13, 2010 REGULAR COUNCIL MEETING.

RS1. RS04-2010-21
A RESOLUTION APPROVING QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2010.

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. The report should cover investment transactions for all funds covered by the Act for the preceding period.

RS2. PULLED FROM CONSENT
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH PHOENIX FABRICATORS AND ERECTORS, INC. FOR ROSE STREET ELEVATED TANK.

OC1.
APPROVE FINAL PLAT OF LOT 1-R AND LOT 2-R, BLOCK 766 PEARCE & JESTER ADDITION, (LOCATED ON EAST KILPATRICK AVENUE EAST OF LIBERTY STREET TO THE G.C. & S.F. RAILROAD AND SOUTH OF RIDGEMAR DRIVE), AS REQUESTED BY JOHNSON COUNTY, REPRESENTED BY DUMAS LAND SURVEYING, INC.

Person presenting this item: David Esquivel, Director of Public Works

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meeting of March 22, 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 inquiries but no objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 7-0.

MOTION: to approve with the exception of RS2 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				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ITEMS PULLED FROM CONSENT AGENDA

RS2. RS04-2010-22
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH PHOENIX FABRICATORS AND ERECTORS, INC. FOR ROSE

STREET ELEVATED TANK.

David Esquivel, Director of Public Works stated that on November 19, 2009, Council awarded the bid for construction of a new one million gallon elevated water tank at Rose Street to Phoenix Fabricators & Erectors, Inc. This change order will allow for use of a longer lasting paint and logos. Additional costs are not to exceed \$28,837.00 making the entire contracted amount \$1,508,137.00.

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>

RESOLUTIONS

RS3. RS04-2010-23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF INTENT TO PURCHASE PROPERTY FOR CITY OFFICES.

Chester Nolen, City Manager stated that this is a non-binding letter of intent to purchase the First Financial Bank building on N. Main for use as a combined Police Department/Municipal Court building. The letter of intent would allow for further negotiations. A final contract would come to the City Council for approval.

Speakers: Alden Nellis spoke against this item.

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>

ORDINANCES

OR1. OR04-2010-19

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET FOR THE CITY OF

CLEBURNE FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010, BY INCREASING GRANT REVENUE ACCOUNTS AND THE CORRESPONDING EXPENDITURE ACCOUNTS.

Kim Galvin, Budget and Purchasing Manager stated that additional grant revenues will be received for Transportation Fund. These funds will be used for the continued maintenance and operation costs of Cletran.

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

OR2. OR04-2010-20

AN ORDINANCE AMENDING THE GENERAL FUND, POLICE DEPARTMENT BUDGET AND THE MISCELLANEOUS GRANT FUND BUDGET FOR THE CITY OF CLEBURNE FOR THE FISCAL YEAR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010.

Kim Galvin, Budget and Purchasing Manager stated that to provide matching funds for a federal grant received for bullet proof vests for the police department, \$17,857 will be transferred from the Police Department Budget to the Miscellaneous Grant Fund Budget. Additionally, grant receipts will be increased by the amount of the grant, \$17,643.60. Vest purchases will be accounted for by increasing the Other Supplies account in the Miscellaneous Grant Fund Budget by \$34,813.60. Fund Balance in the General Fund will not be impacted. The net impact is an increase in funds through the receipt of the grant.

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>

OR3. OR04-2010-21

AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF PEARCE STREET BETWEEN BLOCKS 764 AND 751 PEARCE & JESTER ADDITION AND THE NORTH/SOUTH ALLEY (LOCATED BETWEEN PETERSON STREET AND LILLIAN STREET), AS

REQUESTED BY PETER MULLEN, REPRESENTED BY CHESAPEAKE OPERATING, INC.

David Esquivel, Director of Public Works, 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. If the street and alley are closed the entire right-of-way of Pearce Street between Blocks 764 and 751 Pearce & Jester Addition and the north/south alley in Block 764 Pearce & Jester Addition shall be retained as a utility easement. Title to one-half of the closed street and alley will revert to the owners of the adjacent property on each side of the street and alley 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.

*Mayor Reynolds and Councilmember Kelly filed a Conflict of Interest Affidavit and abstained from discussion and voting on this item.

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>

****OPENED PUBLIC HEARING***

OR4. OR04-2010-22

AN ORDINANCE REZONING 3546 NORTH MAIN STREET FROM C3/SUP (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR EQUIPMENT STORAGE YARD, CONTRACTOR) TO C3/SUP (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR OIL/GAS SUPPLY YARD), AS REQUESTED BY JAMES SCHETTLER.

David Esquivel, Director of Public Works, stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of March 22, 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 no inquiries or objections. P&Z recommended approval by a vote of 7-0 with the following conditions: (1) landscaping along the frontage of Highway 174 according to the City's Landscape Ordinance and (2) strict maintenance of the road entrance to keep down the dust. If this rezoning request is approved the conditions proposed by P&Z should be considered in the motion.

Speakers: James Schettler, proponent, spoke in favor of this item and answered questions from the Council

****CLOSED PUBLIC HEARING***

MOTION: to approve with conditions recommended by P&Z, providing that landscaping will be along the entire frontage of Hwy. 174 and maintenance of the surface of the road entrance includes dust and mud.

	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>

***OPENED PUBLIC HEARING**

OR5. OR04-2010-23

AN ORDINANCE REZONING LOTS 1 THROUGH 6, BLOCK 768 OF PEARCE AND JESTER ADDITION AND THE WEST HALF OF THE NORTH/SOUTH ALLEY LYING TO THE EAST (LOCATED AT 1102 EAST KILPATRICK) FROM MF (MULTIPLE FAMILY DWELLING DISTRICT) TO M1 (LIGHT INDUSTRIAL DISTRICT), AS REQUESTED BY JOHNSON COUNTY, REPRESENTED BY DUMAS LAND SURVEYING, INC.

David Esquivel, Director of Public Works stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of March 22, 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 and commercial. We have received inquiries but no objections. P&Z recommended approval by a vote of 7-0.

Speakers: Eric Dumas stated that the County plans to use the property for an Emergency Operations Center.

***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>

OTHER COUNCIL MATTERS

***OPENED PUBLIC HEARING**

OC2.

APPROVE FINAL PLAT OF LOT 3-R, BLOCK 4, BERKLEY HEIGHTS ADDITION, PHASE 3, (LOCATED AT 1115 CANTON ROAD), AS REQUESTED BY DR. RANBIR AND MANYA SHARMA, REPRESENTED BY DUMAS LAND SURVEYING, INC.

David Esquivel, Director of Public Works stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of March 22, 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 low density residential. We have received inquiries but no objections. The plat meets the platting requirements for the City. P&Z recommended approval by a vote of 7-0.

Speakers: None

***CLOSED PUBLIC HEARING**

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>

OC3.

APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION.

Clint Ishmael, Fire Chief stated that John Rollen's first two-year term on the Building and Standards Commission ends April 8, 2010. Mr. Rollen has agreed to serve another two-year term if reappointed.

MOTION: to reappoint John Rollen

	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

Trenton Carroll requested the City build a skateboard park at PD Lacewell Park on Granbury to keep kids off the cement in front of stores and so parents wouldn't have to worry about kids being hit by cars or doing drugs. He also stated that PD Lacewell Park would be a good place because Police officers take their breaks there and they would be watching the kids.

ADJOURNED AT: 7:47 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: May 11, 2010

CITY OF CLEBURNE

ATTEST

Ted Reynolds, Mayor

Shelly Doty, City Secretary