



**REGULAR CITY COUNCIL MEETING MINUTES**  
**MAY 11, 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
- X Max Robertson, Parks & Recreation
- X 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 Dr. R.D. Noel, Cleburne Baptist Temple**

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMUNITY INTEREST MATTERS**

Proclamations: National Public Works Week, May 16-22, 2010  
Better Speech and Hearing Month, May 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 **APRIL 27, 2010** REGULAR COUNCIL MEETING.**

**BQ1.**

**AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE NEW FIRE ENGINE TO CASCO INDUSTRIES IN THE AMOUNT OF \$46,812.25.**

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

**BRIEF:** Quotes were requested from three potential vendors for the equipment needed to supply the new fire engine. Casco Industries provided the lowest, most responsible quote that met all minimum specifications. The City has purchased equipment from Casco Industries in the past and continues to enjoy a satisfactory business relationship with the vendor.

**BQ2.**

**AWARD 2010 GAS WELL TRANSPORTATION ROUTE IMPROVEMENT PROJECT TO NORTHEASTERN PAVERS, INC IN THE AMOUNT OF \$531,312.50.**

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

**BRIEF:** Bids were received on May 4, 2010 and reviewed by staff. Northeastern Pavers, Inc submitted the lowest bid, meeting all minimum specifications. References were checked and all were satisfactory. These improvements are being funded through the Street Restitution Fund, which was provided by Chesapeake, EOG Resources and Williams Production. Restitution is collected for deterioration of roads due to traffic to and from well sites.

**BQ3.**

**AWARD 2010 ROAD IMPROVEMENTS FOR NOLAN RIVER ROAD & WESTHILL DRIVE TO NORTHEASTERN PAVERS, INC IN THE AMOUNT OF \$1,593,325.**

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

**BRIEF:** Bids were received on May 4, 2010 and have been reviewed by staff. Northeastern Pavers, Inc submitted the lowest bid, meeting all minimum specifications. References were checked and all were satisfactory. These improvements will be funded through savings from the Elmo Street and Sparks Drive projects in Fund 53 and Mineral & Gas Royalties already budgeted for street repairs in Fund 21.

**OR2. OR05-2010-24**

**AN ORDINANCE AMENDING THE GENERAL CAPITAL PROJECTS FUND (53) AND THE MINERAL LEASE & ROYALTY FUND (21) BY TRANSFERRING THE \$1,000,000 BUDGETED IN FUND 21 TO FUND 53.**

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

**BRIEF:** This budget change will be necessary to secure funding for the 2010 Road Improvements to Nolan River Road and Westhill Drive. This \$1,000,000 will be added to the savings realized from the Elmo Street and Sparks Drive projects, \$449,325. Reimbursements received for the Sparks Drive

improvements from Chesapeake Energy, \$95,280, and the Economic Development Foundation, \$54,611, reduced the cost of that project by an additional \$149,891. Together these funds provide a total of \$1,599,216 for the Nolan River Road and Westhill Road projects, which bid at \$1,593,325.

**OC1.**

**APPROVE ACCOUNTS PAYABLE FOR APRIL 2010.**

**MOTION: to approve consent agenda in its entirety**

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

**RESOLUTIONS**

**RS1.**

**WITHDRAWN BY STAFF**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FACILITIES UTILIZATION AGREEMENT WITH THE CARNEGIE PLAYERS FOR USE OF THE CONFERENCE CENTER THEATER.**

**RS2.**

**RS05-2010-24**

**RESOLUTION APPROVING A LEASE OF OFFICE SPACE IN THE CHAMBER OF COMMERCE BUILDING TO CLEBURNE ECONOMIC DEVELOPMENT FOUNDATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE LEASE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Jerry Cash, Director of Economic Development stated that CEDF was incorporated in April 1963 with a mission statement and objectives to improve the quality of life in Cleburne by recruiting more and better paying jobs to the city and to strive to increase the local taxing entities tax base. These objectives benefit all citizens by reducing the property tax burden on local small businesses and our home owners. CEDF has been successful in these efforts over the past 47 years with approximately 1/3 of the city tax base currently being industrial tax value and over 4500 jobs have added by new industries and expansion of existing industries in this time period.

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

**ORDINANCES**

**OR1. WITHDRAWN BY STAFF**  
**AN ORDINANCE AMENDING THE GENERAL CAPITAL PROJECTS FUND AND THE MINERAL AND LEASE ROYALTY FUND BUDGETS BY ALLOCATING \$90,000 FROM THE FUND BALANCE OF THE MINERAL AND LEASE ROYALTY FUND TO THE GENERAL CAPITAL PROJECTS FUND.**

**OR3. OR05-2010-25**  
**AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 101 - CIVIC CENTER, SENIOR CITIZENS CENTER; SECTION 101.055 FEE SCHEDULE.**

Rick Holden, Assistant City Manager stated that following the first couple of months of operations, we find that we need to make several changes to the Conference Center rules, regulations and rates.

**MOTION: to approve as presented**

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

**OR4. TABLED**  
**AN ORDINANCE AMENDING TITLE V, PUBLIC WORKS, CHAPTER 51, WATER AND SEWERS, SECTION 51.004, WATER WELLS, GRANTING A REQUEST FOR A PRIVATE WATER WELL AT 1300 HARLIN DRIVE, AS REQUESTED BY MARGARET MAYFIELD.**

David Esquivel, Director of Public Works stated that an application was submitted for a private water well at 1300 Harlin Drive by Margaret Mayfield. Water Utilities Superintendent has determined city water is available within 660 feet of the property line on Harlin Drive. A water tap can be made available in a timely manner. The residence is located approximately 1,295 feet from the 8" water main. Mr. Esquivel recommended denial of the request and expressed his concern that it may cause non-compliance with the Drought Contingency Plan.

Speakers: Patt Mayfield, proponent’s representative, spoke in favor of the request.

**MOTION: to table for further review**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X					Approved as presented
White			X					Approved as amended
Sturgeon			X				X	Tabled
Warren	X		X					Withdrawn
Reynolds			X					Postponed until:
<b>X</b>	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

**OR5. OR05-2010-26**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, CHAPTER 545, SECTION 545.356, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION ON US HIGHWAY 67, WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEBURNE AS SET OUT IN THIS ORDINANCE; AS REQUESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION.**

David Esquivel, Director of Public Works stated that TxDOT submitted a request to change speed limits on US 67 Business as follows: from Walls Drive to Nolan River Road - 45 MPH (existing); east from Nolan River Road to Pendell St. - 40 MPH (existing); east from Pendell St. to Granbury - change from 40 MPH to 35 MPH; east from Granbury St. to Buffalo Ave. - 35 MPH (existing); east to English St. - change from 30 MPH to 35 MPH; east from English St. to creek - 40 MPH (existing); east from creek to city limits 55 MPH-(existing).

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

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**CITIZENS COMMENTS**

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Mayor Reynolds told the Council and Staff how much he has enjoyed working with them and thanked them for all that they do.

**ADJOURNED AT: 7:40 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: May 25, 2010**