



REGULAR CITY COUNCIL MEETING MINUTES
MAY 25, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:02 PM

City Council:

- ✓ Justin Hewlett, 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
- X 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

Proclamation Poppy Days, May 25 – 31, 2010

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE MAY 11, 2010 REGULAR COUNCIL MEETING AND MAY 18, 2010 SPECIAL COUNCIL MEETING.

BQ1.

AWARD BID FOR ANNUAL GRINDING SERVICES TO THELIN RECYCLING COMPANY, LP.

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

BRIEF: Bids from two vendors were received and subsequently reviewed by staff. Thelin Recycling Company, LP provided the lowest most responsible bid. The double grind product is provided free of charge to private citizens within the City of Cleburne.

2008: Single Grind \$1.28 per cubic yard; Double Grind \$1.43 per cubic yard

2009: Single Grind \$0.74 per cubic yard; Double Grind \$1.23 per cubic yard

2010: Single Grind \$0.90 per cubic yard; Double Grind \$1.50 per cubic yard

BQ2.

RENEW ANNUAL FUEL SUPPLY CONTRACT WITH LAMBERT OIL FOR 9 CENTS PER GALLON PROFIT FOR ALL FUEL AND A 10% PROFIT ON ALL LUBRICANTS AND OILS.

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

BRIEF: The fuel and lubricant supply was formally bid in March 2006. The terms and conditions of the bid included an option for four (4) one year renewals if agreed upon by both parties. Lambert Oil has agreed to renew their contract at current pricing. Lambert Oil has been providing fuel and lubricants to the City for many years, and has always done so satisfactorily.

RS1. RS05-2010-26

A RESOLUTION ACCEPTING TEXAS DEPARTMENT OF TRANSPORTATION 5311 FEDERAL RURAL PUBLIC TRANSPORTATION FUND GRANT FUNDS IN THE AMOUNT OF \$186,101 TO BE USED FOR ADMINISTRATIVE AND OPERATING EXPENSES FOR THE CITY/COUNTY TRANSPORTATION DEPARTMENT.

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

BRIEF: City/County Transportation has been awarded \$186,101 in Federal 5311 rural funds to be used for operating and administrative expenses during FY 2011. All matching funds will be paid with our State 5311 Rural funds.

RS2. PULLED FROM CONSENT

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE ALL CITY/COUNTY TRANSPORTATION POLICIES AND PROCEDURES.

RS3. RS05-2010-27

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CORRPRO FOR CATHODIC REPAIR AND

INSPECTION SERVICES ON THE BARKMAN WATER TRANSMISSION PIPELINE FROM AQUILLA.

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

BRIEF: Staff is seeking permission to retain the services of CORRPRO to perform required repairs along the 31-mile Aquilla pipeline to the cathodic protection system. Several deficiencies were discovered in the last annual inspection that require immediate repair to protect this vital infrastructure. Additionally this contract will call for a close-interval inspection to locate all new foreign pipeline crossings, determine potential for corrosive damage due to these crossings and make recommendations for future modifications to the protective system. A 5-man crew will survey the line taking readings every 2.5 feet. CORRPRO is the original installer of this proprietary system. Costs are not to exceed budgeted amount of \$125,000 without further approval.

RS4. RS05-2010-28
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 WITH P.E.T. CONSTRUCTION FOR LANDSCAPING AT THE NEW CLETRAN PARK AND RIDE PARKING LOT.

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

BRIEF: At the time the bid was requested, landscaping plans had not been finalized. This change order will allow for landscaping, including irrigation for the Cletran Park and Ride parking lot. Landscaping installation is not to exceed \$10,000 and is funded in the grant.

OC1.
APPROVE FINAL PLAT OF LOTS 1 THROUGH 4, BLOCK 1, KLEMENT-WES ADDITION (BEING 12.157 ACRES OF THE ISAAC BURNS SURVEY, LOCATED AT 4703 NORTH HIGHWAY 171 IN CLEBURNE’S EXTRATERRITORIAL JURISDICTION), AS REQUESTED BY KLEMENT-WES PARTNERSHIP, LTD., REPRESENTED BY REALSEARCH OF TEXAS, LLC.

Person presenting this item: Ann Powell, Planning and Zoning Coordinator

BRIEF: The Planning & Zoning Commission (P&Z) considered this request at its meetings of March 8 and May 10, 2010. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be low density residential. 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.

MOTION: to approve with the exception of RS2 to be considered separately

	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
Hewlett			X				Postponed until:
X	<i>Motion Carried</i>			<i>Motion Failed</i>			<i>Roll Call</i>

ITEMS PULLED FROM CONSENT AGENDA

RS2. RS05-2010-29

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE ALL CITY/COUNTY TRANSPORTATION POLICIES AND PROCEDURES.

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

BRIEF: Per federal and state guidelines, City/County Transportation must have all policies and procedures approved by an executive level official. By allowing the City Manager or his designee to approve all policies and procedures, the only City/County Transportation items that would go before Council are grant agreements, fare increase and service reductions.

MOTION: to approve with the removal of “or his designee”

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

RESOLUTIONS

RS5. WITHDRAWN BY STAFF

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH NEDDERMAN & ASSOCIATES, INC. FOR DRAINAGE, SIDEWALKS, CURBS AND GUTTERS AT THE MUSEUM COMPLEX IN THE AMOUNT OF \$136,734.

RS6. RS05-2010-30

A RESOLUTION APPROVING AN OIL/GAS DRILLING PERMIT FOR DEANN 2H, AS REQUESTED BY CHESAPEAKE OPERATING, INC.

David Esquivel, Director of Public Works stated that Chesapeake Operating, Inc. has submitted a permit application to drill gas well DeAnn 2H. All conditions of the permit have been met and all waivers have been signed. Staff is requesting Council approval for an additional well on the pad site. DeAnn 1H was drilled last summer and is in operation. Transportation route is to be West Henderson, south on Ridgeway Drive and east on Tanglewood Drive to well entrance. Special

conditions have been added to the permit to reduce impact in the area. Notification letters have been mailed to surrounding property owners.

Speakers: Justin Bond, Chesapeake, spoke in favor of this item.
Mike Duckworth spoke in favor of this item.

Councilman Robert 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
Hewlett			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

ORDINANCES

OR1. OR05-2010-27

AN ORDINANCE AUTHORIZING CITY TAX ATTORNEYS PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, LLC TO AWARD BIDS TO THE HIGHEST BIDDERS FOR TAX RE-SALE PROPERTIES; AND AUTHORIZING THE MAYOR TO EXECUTE DEEDS WITHOUT WARRANTY, AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST ASSOCIATED PROPERTIES.

Greg Wilmore, Director of Finance stated that on May 3rd we received sealed bids for the sale of twenty surplus city properties. These properties had been previously struck off at various tax sales. In addition to the original advertisement of the tax sale by the Constable's Office, staff advertised the Sealed Bid Sale in the Cleburne Times Review on April 11th and April 25th. The notice was also put on the Perdue Brandon Fielder Collins & Mott web site as well as a sign being put up at each property. We received thirty-six bids on the twenty properties listed for sale. One of the properties did not receive a bid. A description of all the properties is attached and numbered by Tract. Tract #13, #14, #18 and #19 properties received a bid high enough to pay all back taxes and related costs. For those properties only, the City's acceptance is all that is needed to transfer title. All others will have to be approved by the County and School District.

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
Hewlett			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

***OPENED PUBLIC HEARING**

OR2. OR05-2010-28

AN ORDINANCE REZONING 614 THROUGH 618 WEST HENDERSON STREET FROM C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT - COMMERCIAL), AS REQUESTED BY JACK BURTON FAMILY LTD, REPRESENTED BY WINKELMANN & ASSOCIATES, INC.

Ann Powell, Planning and Zoning Coordinator stated that the Planning & Zoning Commission (P&Z) considered this request at its meeting of May 10, 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 and Commercial. The tenant (CVS) has requested rezoning to a Planned Development (PD) in order to build a new store immediately west of its existing building. It proposes to keep the existing store open during the construction of the new building. After completion of the new building, it plans to demolish the current existing building and use that area for parking for the new store. In the PD, CVS is providing landscaping in excess of the amount required by Ordinance. In exchange, CVS will not be required to have a sidewalk on its east property line next to Shaw Avenue. There is currently an existing sidewalk on the east side of Shaw Avenue. It will provide a through sidewalk from West Henderson Street to Wardville Street partially along the east line of the new building as shown on Page 2 of 7 of the Zoning Exhibit Site Plan. It also will be allowed to reduce the depth of the parking spaces on the east property line facing Shaw Avenue from 18 to 17 feet. We have received no protests or objections. It meets the requirement of §155.46 PD, Planned Development District of the Code of Ordinances. P&Z recommended approval by a vote of 5-0.

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				Denied
Warren	X		X				Withdrawn
Hewlett			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

OTHER COUNCIL MATTERS

OC2.

APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

Ann Powell, Planning and Zoning Coordinator stated that Lori Pedigo's first term expires May 27th. Ms. Pedigo is willing to serve a second term if appointed.

MOTION: to reappoint Lori Pedigo

	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
Hewlett			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OC3.

APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Ann Powell, Planning and Zoning Coordinator stated that Vance Castles' first term expired May 13th. Mr. Castles is willing to serve a second term if appointed.

MOTION: to reappoint Vance Castles

	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
Hewlett			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 fire protection on N. Main for the Industrial Park. Scott Cain spoke on the “Walk on Water” event of last Saturday. He thanked the City Staff and gave a brief overview of the event. He thanked Max Robertson for his help and presented him with a Cleburne Wakeboard Association hat.

ADJOURNED AT: 7:33 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 8, 2010

