



REGULAR CITY COUNCIL MEETING MINUTES
JUNE 8, 2010
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:03 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
- ✓ Kathleen Wells, 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
- ✓ Kent Glover, Police Services

Media:

- ✓ Matt Smith, Times-Review
-

II. INVOCATION by Pastor Mark Ely, College Heights Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Public Safety Appreciation Week – Fire Chief Ishmael, Police Chief Powell
Flag Day – American Legion

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVE MINUTES FOR THE MAY 25, 2010 REGULAR COUNCIL MEETING.

BQ1.

AUTHORIZE PURCHASE OF REFUSE TRUCK FROM BUYBOARD VENDORS: DALLAS MACK SALES, LP/EAST TEXAS MACK SALES, LLC (CHASSIS \$123,950) AND B&C BODY COMPANY (ROLL OFF BODY \$33,948) FOR A TOTAL AMOUNT OF \$157,898.

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

BRIEF: Quotes from two Buyboard vendors were received for a refuse truck. Dallas Mack Sales, LP/East Texas Mack Sales, LLC provided the quote for the chassis in the amount of \$123,950. B&C Body Company provided the quote for the roll off body in the amount of \$33,948. These vendors have previously provided trucks for the City of Cleburne in a timely and satisfactory manner.

TCEQ awarded the City a grant for a recycling drop off center which will reimburse the City 20% (\$31,599.60) of the cost of this truck. Additionally, the truck will be utilized by the water department for sludge removal, which is included in the composting feasibility study which is also grant funded.

RS1. RS06-2010-31

A RESOLUTION AUTHORIZING THE SALE OF HEAVY EQUIPMENT TO JOHNSON COUNTY.

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

BRIEF: Johnson County has expressed an interest in purchasing the City's track excavator for \$30,000. This piece of equipment is scheduled for auction and the purchase price reflects a fair value for the equipment.

RS2. RS06-2010-32

A RESOLUTION DESIGNATING AN AREA OF THE DOWNTOWN COMMERCIAL DISTRICT AS HAVING CONDITIONS OF SLUM AND BLIGHT, AND SEEKING ASSISTANCE IN ELIMINATING THESE CONDITIONS FROM A TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION GRANT THAT WILL PROVIDE FUNDS TO HELP ELIMINATE SLUM AND BLIGHT THROUGH INFRASTRUCTURE IMPROVEMENTS IN THE AREA; AND THAT SLUM AND BLIGHT IS DEFINED LOCALLY AS AN AREA THAT HAS UNSAFE AND UNSIGHTLY CONDITIONS AND IS NOT FULLY ACCESSIBLE TO PEOPLE WITH PHYSICAL DISABILITIES.

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

BRIEF: This Resolution will allow the City and the County to create a partnership to eliminate slum and blight conditions that exist in Johnson County Market Square. Unsightly and unsafe conditions include broken sidewalks, deteriorated or non-existent curbs, lack of ADA/handicap access, uneven surfaces, and pavement failure. Johnson County has budgeted \$200,000 for Market Square renovations that include additional vendor spaces, repaving of the parking lot, and public restrooms.

The City proposes to assist the County with this project by applying for Texas Capital Fund monies for sidewalk and ADA ramp improvements. The proposed public infrastructure improvements will aid in the elimination of the aforementioned conditions and will promote the health, safety, and welfare of the people who work, shop, and visit this area. Since Market Square is located within Cleburne's downtown district, only the City is eligible to apply for this grant, not the County. The proposed "slum/blight conditions" resolution is a requirement for application to the Texas Capital Fund Downtown Revitalization Program.

RS3. RS06-2010-33

A RESOLUTION ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR IN THE AMOUNT OF \$150,000.

Person presenting this item: Greg Wilmore, Director of Finance

BRIEF: This Grant is appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program. The beginning date is September 1, 2009 and ends on September 30, 2011. This grant covers the following items: roof, columns, mortar, and drainage/basement repair to the Carnegie Museum Building. The City will match this Grant as addressed in a budget amendment.

RS4. RS06-2010-34

A RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FY 2010 LOCAL SOLICITATION IN THE AMOUNT OF \$16,654.

Person presenting this item: Commander Kent Glover, Police Services

BRIEF: The Cleburne Police Department is eligible for \$16,654 from the Edward Byrne Memorial Justice Assistance Grant. There is no required match amount. Funds will be used to purchase equipment and supplies for a dedicated training facility.

OR1. OR06-2010-29

AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2009-2010 BY ALLOCATING \$150,000 FROM MINERAL LEASES & ROYALTIES FUND (FUND 21) TO MISCELLANEOUS GRANTS FUND (FUND 39), SAVE AMERICA'S TREASURES GRANT, 3965-8820.

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

BRIEF: This budget change will provide the matching funds for the Save America's Treasures award of \$150,000. These combined funds will be used to make structural roof and masonry repairs to the Layland Museum Building.

OR2. OR06-2010-30

AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2009-2010 BY

ALLOCATING \$136,734 FROM MINERAL LEASES & ROYALTIES FUND (FUND 21) TO DONATIONS FUND (FUND 89), SMITH HISTORY CENTER CONSTRUCTION 8962-8820.

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

BRIEF: This budget change will provide funding for the drainage issues, ADA building entrance requirements, sidewalks and curbs and gutters for the property surrounding the Smith History Center.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF MAY 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 | 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> |

RESOLUTIONS

RS5.

RS06-2010-35

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY LLC.

Greg Wilmore, Director of Finance stated that the City is a member of a 146-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of a ten cent (\$0.10) per capita fee to fund the activities of the Steering Committee. The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric transmission and distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by TXU (since renamed as Oncor Electric Delivery Company) gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for nearly two decades. The Steering Committee is actively

involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities.

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> |

RS6. RS06-2010-36

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 403 N. MAIN STREET KNOWN CURRENTLY AS THE FIRST FINANCIAL BANK BUILDING FOR AN AMOUNT NOT TO EXCEED \$1.7 MILLION.

Chester Nolen, City Manager stated that the City wishes to purchase the property located at 403 N. Main Street known presently as the First Financial Bank building at an amount not to exceed \$1.7 million.

MOTION: to approve pending review of contract by City Attorney

| | Motion | Second | Aye | No | Abstain | Absent | | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|---|-----------------------|
| Kelly | | | X | | | | | Approved as presented |
| White | | X | 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

OR3. OR06-2010-31

AN ORDINANCE AUTHORIZING ISSUANCE AND SALE OF CITY OF CLEBURNE TAXABLE TAX NOTES, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY \$1,720,000.

Greg Wilmore, Director of Finance stated that this debt issuance is for the purchase of the First

Financial Bank (FFB) building at 403 North Main Street. The issuance of the taxable tax notes is the most efficient way to facilitate the purchase of the FFB building. The notes do not enter into the calculation of the City's ad valorem tax rate due to the fact the notes are interest only payables until the note matures. The funds to be used to pay the note are to be collected from the monthly Fund 21 gas royalty revenues. The interest on the note is commensurate with the rent to be paid by FFB for the period the building will be occupied by FFB. Jim Sabonis from First Southwest Financial, as well as Rob Collins from Vinson & Elkin, the City's bond counsel were present to answer any questions Council had about the transaction. Closing date is scheduled for August 15, 2010.

Speakers: Jim Sabonis, First Southwest, gave a brief overview of the transaction
 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 | | | | | Denied |
| Warren | | X | X | | | | | Withdrawn |
| Hewlett | | | X | | | | | Postponed until: |
| X | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | | <i>Roll Call</i> |

OR4. OR06-2010-32
AN ORDINANCE 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.

David Esquivel, Director of Public Works stated that Staff requests that the Council approve an ordinance to lower the speed limit on U.S. Hwy 67 from the west city limit line on W. Henderson (Business U.S. Hwy 67) to the east city limit line on U.S. Hwy 67 (+/-0.758 mi. east of ST. Hwy 174) as a construction speed zone from 65 mph to 55 mph. The construction speed zone shall terminate at the time construction is complete.

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> |

CITIZENS COMMENTS

None

ADJOURNED AT: 7:29 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 22, 2010