



REGULAR CITY COUNCIL MEETING MINUTES
APRIL 28, 2009
7:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:05 PM

City Council:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Chester Nolen, City Manager
- ✓ Rick Holden, Assistant City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Matthew Wallis, City Attorney

Division Directors:

- ✓ Jerry Cash, Economic Development
- ✓ David Esquivel, Public Works
- ✓ Bonita Hall, Human Resources
- ✓ Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- ✓ Terry Powell, Police Services
- ✓ 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 Rev. Joe Ardy, Ascension Lutheran

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

Employee Recognition
 Proclamation

Tray Jones, Information Technology Dept
 Motorcycle Safety Awareness Month, May 2009

CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE APRIL 14, 2009 REGULAR COUNCIL MEETING.

RS1. RS04-2009-32

A RESOLUTION APPROVING QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2009.

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. RS04-2009-33

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRESS ENGINEERS FOR ENGINEERING SERVICES FOR EAST BUFFALO CREEK SANITARY SEWER INTERCEPTOR, PHASE 3.

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

BRIEF: This agreement will cover design, surveying, geotechnical investigation, construction material testing, and resident project representative/inspections for the East Buffalo Creek Sanitary Sewer Interceptor, Phase 3. Costs for these services are not to exceed \$811,000.00.

OR1. OR04-2009-27

AN ORDINANCE AMENDING WATER-WASTEWATER FUND 60 AND 2006 WATER-WASTEWATER REVENUE BOND FUND 76, OF THE 2008-2009 CITY OF CLEBURNE BUDGET.

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

BRIEF: The current 2008-2009 budget includes \$1,800,000 for the construction and engineering of the Rose Street Elevated Storage Tank Project. Current estimates for this project are \$2,208,000 resulting in a need for \$408,000 in additional funding. The Water Fund, Fund 60, budget includes \$275,000 for the engineering costs of the 174 N/ East Buffalo Interceptor. Additional funds are needed for surveying, geotechnical services and inspections in the amount of \$386,000. At this time the Disposal Well is not being utilized and therefore excess funds of \$150,000 are available for transfer to the Interceptor Project. These current funds result in additional funding in the amount of \$386,000.

OC1.

APPROVE PLAT OF LOT 1R, BLOCK 843, AVONDALE ADDITION (BEING A REPLAT OF LOT 1 AND 3 AND A PORTION OF A CLOSED ALLEY, BLOCK 843 AVONDALE ADDITION, LOCATED AT 719 AND 721 POINDEXTER AND 1026 NORTH GRANBURY), AS REQUESTED BY MARIO RENDON.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of March 23, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and low density residential. We have received inquiries but no objections. P&Z recommended approval by a vote of 4-0.

OC2.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, MEDRANO ADDITION (BEING 1.7335 ACRES OF THE P. GOLDEN SURVEY, LOCATED AT THE NORTHWEST INTERSECTION OF CR 704 AND CR 705 IN CLEBURNE'S EXTRATERRITORIAL JURISDICTION), AS REQUESTED BY JOE MEDRANO, REPRESENTED BY DUMAS LAND SURVEYING, INC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of March 23, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and low density residential. We have received no inquiries or objections. P&Z recommended approval by a vote of 4-0.

OC3.

APPROVE FINAL PLAT OF LOTS 1 – 4, BLOCK 1, WOODARD OAKS ADDITION (BEING 19.995 ACRES OF THE PHILIP GOLDEN SURVEY, LOCATED AT THE NORTHEAST INTERSECTION OF DOVE CREEK ROAD AND ARROWHEAD ROAD IN CLEBURNE'S EXTRATERRITORIAL JURISDICTION), AS REQUESTED BY JUDY FULFER, TRUSTEE, REPRESENTED BY DUMAS LAND SURVEYING, INC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of March 23, 2009. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be commercial and low density residential. We have received no inquiries or objections. P&Z recommended approval by a vote of 4-0.

MOTION: to approve in its entirety

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				X Approved as presented
Boles		X	X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

BIDS AND QUOTES

BQ1.

AWARD BANKING DEPOSITORY SERVICES AGREEMENT TO FIRST FINANCIAL BANK FOR THE PERIOD BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

Kim Galvin, Budget and Purchasing Manager stated that proposals were delivered to all local banks. Responses were received from four of the plan holders: Wells Fargo, Compass BBVA, First Financial Bank and Bank of America. The responses were reviewed by staff and the independent consulting firm, Valley View Consulting Firm, LLC. The criteria for this initial review included service capabilities, implementation cost, financial strength and stability, fraud controls, service fees, interest earnings, and earnings credit. Compass BBVA and First Financial Bank were invited to present additional or clarifying information regarding fraud controls, online access, reconciliation services, deposit security and collateralization, customer service and implementation. This service contract will be valid for 12 months, with an option to renew for four additional 12 month periods.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boles			X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

***OPENED PUBLIC HEARING**

RS3. POSTPONED

A RESOLUTION APPROVING AN OIL/GAS DRILLING PERMIT FOR DEANN 1H, 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 1H. All conditions of the permit have been met and all waivers have been signed. Staff is requesting Council approval of the entrance to the well site. Transportation route is proposed to be West Henderson, south on Ridgeway Drive and east on Tanglewood Drive to well entrance. Traffic studies have been performed and special conditions have been added to the permit to reduce impact in the area. Notification letters have been mailed to surrounding property owners. One comment has been received and is included in the backup.

Speakers: Justin Bond, Chesapeake Energy, proponent spoke in favor of postponing this item
 Mark Rhodes spoke in favor of postponing this item
 Neal Hatcher spoke in favor of this item

***CLOSED PUBLIC HEARING**

Mayor Reynolds, Councilmembers Force and Kelly filed a conflict of interest affidavit. Because a majority of members have a conflict, Local Government Code provides that they may participate and vote.

MOTION: to postpone until a special called meeting on May 7 at 6:00 p.m.

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				Approved as presented
Boles			X				Approved as amended
Force		X	X				Denied
Warren	X		X				Withdrawn
Reynolds			X				X Postponed until:5-7-09
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

ORDINANCES

OR2. OR04-2009-28

AN ORDINANCE ESTABLISHING SECTION 98.400 – WINSTON PATRICK MCGREGOR PARK: GENERAL RULES, HOURS OF OPERATION AND FEE SCHEDULE.

Rick Holden, Assistant City Manager stated that the Parks and Recreation Board met on April 20, 2009 to discuss fees for the Winston Patrick McGregor House. After careful deliberation, the Board recommends a schedule of fees. Board Member Casey Dugger will make a presentation to the Council.

MOTION: to approve with an amendment to after hour and weekend fees of \$25 per hour with a 2 hour minimum

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

OTHER COUNCIL MATTERS

OC4.

APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION.

Clint Ishmael, Fire Chief stated that Charles Bush's first two-year term on the Building and Standards Commission ends April 10, 2009 and Michael Shaw's first two-year term ended February 21, 2009.

Both Charles Bush and Michael Shaw have agreed to serve another two-year term if re-appointed.

MOTION: to reappoint Charles Bush and Mike Shaw

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

**OC5. WITHDRAWN
APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.**

CITIZENS COMMENTS

Bill Miller spoke on ideas for the Railroad Museum.

ADJOURNED AT: 7:35 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: May 12, 2009

CITY OF CLEBURNE



Ted Reynolds, Mayor

ATTEST:


Shelly Doty, City Secretary