



**REGULAR CITY COUNCIL MEETING MINUTES**  
**AUGUST 24, 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:**

- ✓ Justin Hewlett, Mayor
- ✓ John Warren, Mayor Pro Tem
- X 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
- ✓ Cynthia Chapman, Legal 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
- ✓ Max Robertson, Parks & Recreation
- ✓ 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 Rev. John Warren**

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMUNITY INTEREST MATTERS**

**Certificate of Congratulations - Max Robertson retirement**

**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 AUGUST 10, 2010 REGULAR COUNCIL MEETING.**

**BQ1.****AWARD THE 2010 ANNUAL UTILITY CUT PROGRAM TO WESTHILL CONSTRUCTION.**

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

**BRIEF:** Bids were received on August 17, 2010 for the Utility Cut Program. Westhill Construction submitted the only bid.

	2009-2010	2010-2011
Full Depth Asphalt per square foot	\$ 5.00	\$ 4.74
18" Curb & Gutter per linear foot	\$23.00	\$22.00
24" Curb & Gutter per linear foot	\$24.00	\$22.00
30" Curb & Gutter per linear foot	\$25.00	\$24.00
6" Reinforced Concrete	\$ 5.00	\$ 7.50
8" Reinforced Concrete	\$ 5.75	\$ 8.00
4" Reinforced Sidewalk	\$ 6.40	\$ 4.50

**RS1. RS08-2010-53****A RESOLUTION ACCEPTING TEXAS DEPARTMENT OF TRANSPORTATION 5311 FEDERAL RURAL PUBLIC TRANSPORTATION GRANT FUNDS IN THE AMOUNT OF \$285,688 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 \$285,688 in State 5311 rural funds to be used for operating and administrative expenses during FY 2011. No match is required.

**RS2. RS08-2010-54****A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR EMERGENCY 9-1-1 SERVICE AND EQUIPMENT.**

Person presenting this item: Terry Powell, Chief of Police

**BRIEF:** This is a one-year agreement (September 1, 2010 - August 31, 2011) which sets forth certain 9-1-1 provisions as prescribed by the Commission on State Emergency Communication. The intent of the agreement is to help assure effective operation of this service area's 9-1-1 network and to comply with Commission rules, regulations and policies.

**RS3. RS08-2010-55****A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT RENEWAL WITH INTEGRATED FORENSIC LABORATORIES, INC. TO PROVIDE CRIME SCENE ASSISTANCE ON MAJOR CASES, LAB ANALYSIS AND COURTROOM TESTIMONY.**

Person presenting this item: Terry Powell, Chief of Police

**BRIEF:** Staff is requesting renewal of this contract. The cost will be reduced from \$1,492.50/month to \$1,144.19/month. The price adjustment was noted in the budget.

**RS4. RS08-2010-56**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH FREESE AND NICHOLS FOR PROFESSIONAL SERVICES FOR THE REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLL) FOR THE WASTEWATER TREATMENT PLANT, AS REQUIRED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).**

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

**BRIEF:** The City's Wastewater Treatment Plant Discharge Permit was recently renewed. A requirement of the new permit is to reassess the TBLL's and the review and necessary revisions of the pretreatment program including the Enforcement Response Plan, Standard Operating Procedures and Streamlining Rule provisions for existing individual permits. Costs are not to exceed \$20,000.

**RS5. RS08-2010-57**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH FREESE AND NICHOLS FOR PROFESSIONAL SERVICES FOR THE MODIFICATION TO INCORPORATE THE PRETREATMENT STREAMLINING RULE AT THE WASTEWATER TREATMENT PLANT, AS REQUIRED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).**

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

**BRIEF:** The City's Wastewater Treatment Plant Discharge Permit was recently renewed. A requirement of the new permit is to incorporate the federal EPA requirements for the Pretreatment Streamlining Rule which will include sewer use ordinance, enforcement response plan, standard operating procedures and significant industrial user permits. This is for a city wide program with costs not to exceed \$63,500.

**MOTION: to approve in its entirety**

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

**RESOLUTIONS**

**RS6. WITHDRAWN BY STAFF**  
**A RESOLUTION AMENDING THE SICK LEAVE POLICY SETTING SICK LEAVE PAYOUTS FOR EMPLOYEES HIRED AFTER SEPTEMBER 1, 2010.**

**RS7. RS08-2010-58**  
**A RESOLUTION AMENDING RETIREE INSURANCE REQUIRING ALL RETIREES TO ELECT THE MEDICARE SUPPLEMENT AT AGE 65.**

Debra Powledge, Director of Human Resources stated that Staff would like to amend the existing policy by requiring all retirees that reach 65 years of age to take Medicare Supplement in lieu of our standard medical plan. This affords medical and prescription coverage to supplement their Medicare policies at an affordable price. This would also remove them from our current census thus helping to reduce medical rates in future years.

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

**RS8. RS08-2010-59**  
**A RESOLUTION DESIGNATING THE BIRTHDAY HOLIDAY AS THE SEPTEMBER 11<sup>TH</sup> MEMORIAL HOLIDAY FOR FIREFIGHTERS.**

Debra Powledge, Director of Human Resources stated that while firefighters have the same number of holidays as all other city employees, in accordance with H.B. 2113, the Texas legislature has amended Section 142.0013(c) of the Local Government Code mandating that one of the City's holidays be designated as September 11th Memorial Holiday for all firefighters. All City employees will still have the same number of holidays.

**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
Hewlett			X					Postponed until:

<b>X</b>	<b>Motion Carried</b>	<b>Motion Failed</b>	<b>Roll Call</b>
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**OTHER COUNCIL MATTERS**

**OC1.**

**SETTING OF A TIME AND PLACE FOR A PUBLIC HEARING ON THE 2010/11 BUDGET.**

Greg Wilmore, Director of Finance stated that according to Section 62 of the City Charter, the City Council has to set the time and place for a Public Hearing on the 2010/11 Budget. The Council shall also cause to be published a notice of the time and place of the meeting, not less than seven days after the date of publication, at which the City Council will hold the public hearing. Staff recommends setting the public hearing for the special called meeting on August 31, 2010, at 7 p.m. in the Council Chambers at City Hall, 10 North Robinson, Cleburne, TX. This notice will appear in the Times Review on Sunday, August 22, 2010.

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

***\*OPENED PUBLIC HEARING***

**OC2.**

**HOLD A PUBLIC HEARING ON THE 2010 TAX RATE AND ANNOUNCE THE DATE, TIME, AND PLACE OF THE MEETING AT WHICH THE CITY COUNCIL WILL VOTE ON THE TAX RATE AS REQUIRED BY SECTION 5.05 OF THE TAX CODE, ALSO KNOWN AS "TRUTH-IN-TAXATION".**

Greg Wilmore, Director of Finance stated that this is the second step in the Truth-in-Taxation process that will allow the Council to set the property tax rate above the effective tax rate. A Public Notice titled NOTICE OF PUBLIC HEARING ON TAX INCREASE was published on Sunday, August 15, 2010. The Council will hold its second public hearing for the 2010 Tax Rate at a special called meeting on August 31, 2010 at 7pm, City Hall, 10 North Robinson, Cleburne, TX. Staff recommends setting of the tax rate at the regular council meeting on **September 14, 2010 at 7pm in City Hall**, 10 North Robinson, Cleburne, TX. This action would allow the City to set the property tax rate at any level above the effective rate of \$.686446. The proposed tax rate is \$.706446/\$100 valuation and the rollback rate is \$.748568/\$100 valuation.

Speakers: Alden Nellis spoke in opposition to any tax increase.

**\*CLOSED PUBLIC HEARING**

**OC3.**

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

Ann Powell, Planning and Zoning Coordinator stated that Wesley Nelson's second term expires on September 12, 2010. A replacement needs to be appointed.

**MOTION: to appoint Steve Shaffer effective September 26<sup>th</sup>.**

	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:
<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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Desi Lewis spoke on vertical axis wind turbines and against the current ordinance and asked the Council to consider expanding it to include this type of energy generation.

**ADJOURNED AT: 7:22 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: September 14, 2010**

**CITY OF CLEBURNE**

**ATTEST**

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**Justin Hewlett, Mayor**

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**Shelly Doty, City Secretary**