



City of Cleburne

REGULAR CITY COUNCIL MEETING MINUTES

OCTOBER 23, 2007

7:00 PM

**CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON**

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:00 PM

City Council:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Sonny Russell, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Chester Nolen, City Manager
- X Adam Miles, Assistant City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Wade Adkins, City Attorney

Division Directors:

- ✓ Jerry Cash, Economic Development
- X Mike Claunch, Public Services
- X Bonita Hall, Human Resources
- X Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- X Terry Powell, Police Services
- X Max Robertson, Parks & Recreation
- ✓ Russell Schreiber, Public Works
- X Greg Wilmore, Finance

Department Heads:

- X Kim Galvin, Budget & Purchasing
- X Ann Powell, Planning & Zoning

Media:

- ✓ Matt Smith, Times-Review
 - X Teresa Blackwell, Cleburne Eagle
 - X Ron Pohler, KCLE
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II. INVOCATION by Reverend John Warren

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

Proclamation Gary Lackey Day, October 31, 2007

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

MINUTES

C1. MINUTES

APPROVAL OF MINUTES FOR THE [OCTOBER 9, 2007](#) REGULAR COUNCIL

MEETING.

MOTION: to approve as presented

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Warren			X				Withdrawn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

ORDINANCES

OR1. WITHDRAWN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF BOYD AVENUE BETWEEN LOTS 15, 16, 17 AND 18, BLOCK 368, J.M. BOOTH'S ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 93, PAGE 641 DEED RECORDS, JOHNSON COUNTY, TEXAS, LOCATED SOUTH OF EAST JAMES STREET AND NORTH OF THE RAILROAD TRACKS, ACCORDING TO THE OFFICIAL MAP OF TEXAS; DECLARING THAT THIS PROPERTY IS NOT BEING USED BY, NOR USEFUL OR CONVENIENT TO THE PUBLIC IN GENERAL; THEREFORE, THE PUBLIC WOULD BE BETTER SERVED AND BENEFITED BY ITS VACATION AND ABANDONMENT; AUTHORIZING THE CITY SECRETARY TO FILE THE ORDINANCE WITH THE OFFICE OF THE JOHNSON COUNTY RECORDER, THEREBY RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF THE ALLEY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

MOTION: NONE

OR2. WITHDRAWN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF WILLIE MAE STREET BETWEEN LOTS 1 THROUGH 34, BLOCK 368, J.M. BOOTH'S ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 93, PAGE 641 DEED RECORDS, JOHNSON COUNTY, TEXAS, LOCATED EAST OF ORAN AVENUE AND TO THE EAST PROPERTY LINES OF LOTS 33 AND 34, BLOCK 368, J.M. BOOTH'S ADDITION, ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS; AS REQUESTED BY STELLA TAVES; DECLARING THAT THIS PROPERTY IS NOT BEING USED BY, NOR USEFUL OR CONVENIENT TO THE

PUBLIC IN GENERAL; THEREFORE, THE PUBLIC WOULD BE BETTER SERVED AND BENEFITED BY ITS VACATION AND ABANDONMENT; AUTHORIZING THE CITY SECRETARY TO FILE THE ORDINANCE WITH THE OFFICE OF THE JOHNSON COUNTY RECORDER, THEREBY RELEASING PUBLIC OWNERSHIP, INTEREST AND CONTROL OF THE RIGHT OF WAY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

MOTION: NONE

OR3. OR10-2007-59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE XV, CHAPTER 156 – SIGN REGULATIONS, SECTION 156.21 – PROHIBITED SIGNS, OF THE CODE OF ORDINANCES APPROVING A SIGN VARIANCE PERMITTING AN LED ELECTRONIC MESSAGE CENTER LOCATED AT 218 N. RIDGEWAY, AS REQUESTED BY COMMUNITY BANK; PROVIDING FOR PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

Donna Jackson, Director of Development Services stated that this is a request for an LED electronic message center to be located at 218 N. Ridgeway. The Sign Ordinance, 156.21 (D) Criteria (3) states: the property on which the sign is proposed to be located must front a United States interstate highway or a Texas highway. According to the Thoroughfare Plan of the City of Cleburne, Ridgeway is designated as a 4-lane Undivided Collector. In hearing appeals, the City Council may consider whether or not the regulations and standards of this Ordinance will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship. Upon request of an interested party, the City Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section. The decision of the City Council shall be final. Staff is of the opinion that the proposed sign does not meet the current requirement of fronting a U.S. Texas highway.

Speakers: Jimmy Campbell, Community Bank

MOTION: to approve

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

OPENED PUBLIC HEARING

OR4. OR10-2007-60

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155 – ZONING, SECTION 155.46 – PLANNED DEVELOPMENT DISTRICT REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT FOR THE GARDENS ON HYDE PARK RECORDED IN VOLUME 3910, PAGE 60 OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS, (LOCATED WEST OF HYDE PARK BOULEVARD, SOUTH OF MALL DRIVE AND NORTH OF STONEGATE DRIVE) AS DESCRIBED IN WARRANTY DEED WITH VENDOR’S LIEN RECORDED IN VOLUME 3677, PAGE 173 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY SVENDSEN PROPERTIES, LLC.; REPRESENTED BY RECER & FOX, INC; PROVIDING FOR PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of September 24, 2007. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries but no objections. The Commission recommended approval of the amended Development Standards by a vote of 4-0.

Speakers: none

CLOSED PUBLIC HEARING

MOTION: to approve as presented

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

OTHER COUNCIL MATTERS

OPENED PUBLIC HEARING

OC1.

APPROVE RE-PLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND LOTS 1 THROUGH 4, BLOCK 2, GARDENS ON HYDE PARK, BEING A RE-PLAT OF LOTS 1 THROUGH 4, BLOCK 1 AND LOTS 1 THROUGH 4, BLOCK 2, GARDENS ON HYDE PARK RECORDED IN VOLUME 9, PAGE 654, SLIDE C300, PLAT RECORDS, JOHNSON COUNTY, TEXAS, (LOCATED WEST OF HYDE PARK BOULEVARD, SOUTH OF MALL

DRIVE AND NORTH OF STONEGATE DRIVE) AS REQUESTED BY PETER SVENDSEN; REPRESENTED BY RECER & FOX, INC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of September 24, 2007. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries, but no objections. The Commission recommended approval of the replat by a vote of 4-0.

Speakers: none

CLOSED PUBLIC HEARING

MOTION: to approve as presented

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

OC2.

APPROVE FINAL PLAT OF LOTS 10 THROUGH 20, BLOCK B AND LOTS 5 THROUGH 13, BLOCK C, SEQUOYA PARK ADDITION, SECTION THREE, AN ADDITION TO THE CITY OF CLEBURNE, BEING 5.06 ACRES OF LAND IN THE C.L. JACO SURVEY, ABSTRACT NO. 461 AND THE H.&T.C.R.R. SURVEY, ABSTRACT NO. 400, JOHNSON COUNTY, TEXAS, LOCATED ON SHAWNEE DRIVE, SOUTH OF BLACKFOOT DRIVE AND WEST OF NORTH NOLAN RIVER ROAD, IN THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 402, PAGE 121 DEED RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY JOHN YOUNG AND LOUISE YOUNG; REPRESENTED BY RECER & FOX, INC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of September 24, 2007. Notice was given as required by State law. We have received no inquiries or objections. The Commission recommended approval of the final plat by a vote of 4-0.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell		X	X				X Approved as presented
Boles			X				Approved as amended
Force			X				Denied

Warren	X		X				Withdrawn
Reynolds			X				Tabled
							Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

CITIZENS COMMENTS

Bill Miller spoke on downtown programs in Miami, Oklahoma.

Alden Nellis spoke on problems with trucks in Cleburne and asked for a law to prohibit truck traffic in the left lanes through the city.

ADJOURNED AT: 7:30 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: November 13, 2007

CITY OF CLEBURNE

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary