



City of Cleburne

REGULAR CITY COUNCIL MEETING MINUTES

NOVEMBER 13, 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
- ✓ Adam Miles, Assistant City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Wade Adkins, City Attorney

Division Directors:

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

Department Heads:

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

Media:

- ✓ Matt Smith, Times-Review
 - ✓ Teresa Blackwell, Cleburne Eagle
 - X Ron Pohler, KCLE
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II. INVOCATION by Dr. Danny Crosby, First Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

Proclamation [Texas Recycles Day](#), November 15, 2007

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be

filled out and submitted to the City Secretary prior to the beginning of the meeting.

C1. MINUTES

APPROVAL OF MINUTES FOR THE [OCTOBER 23, 2007](#) REGULAR COUNCIL MEETING.

BQ1.

AUTHORIZE PURCHASE THROUGH BUYBOARD FROM DALLAS MACK SALES, LP AND HEIL OF TEXAS FOR A REFUSE COLLECTION TRUCK IN THE AMOUNT OF \$171,494.

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 provided the quote for the chassis in the amount of \$115,250. Heil of Texas provided the quote for the truck body in the amount of \$56,244. These vendors have previously provided trucks for the City of Cleburne in a timely and satisfactory manner. At this time Heil of Texas has agreed to pay \$30,000 for the trade-in of the truck which will be replaced. This will reduce the total cost to \$141,494.

RS1. RS11-2007-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS APPROVING THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2007; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Adam Miles, Assistant City Manager

BRIEF: SEMAP provides policies and procedures for the Department of Housing and Urban Development's use in identifying Section 8 Housing Agency Management capabilities and deficiencies. In accordance with 24 CFR 985, Section 8 Housing Agencies shall provide certification as to data on indicators by submitting a certified questionnaire [form HUD-52648, Section 8 Management Assessment Program (SEMAP)] within 60 calendar days after the end of its fiscal year to the HUD Field Office. The certification must be approved by Board Resolution, signed by the Chairman of the Board of Commissioners and attested by the Executive Director. The Housing Authority is a division of the Community Development Program of the City of Cleburne and therefore the City Council of Cleburne serves as the Board of Commissioners of the Housing Authority.

RS2. RS11-2007-52

A RESOLUTION OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FREESE & NICHOLS FOR PHASE II OF THE COMPREHENSIVE STORM WATER MANAGEMENT PLAN; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Russell Schreiber, Director of Public Works

BRIEF: On July 25, 2006, Council authorized Phase I of the Comprehensive Storm Water Management Plan. Phase I has been completed and Phase II should begin. Phase II includes updating City's storm drainage system inventory, perform eleven (11) local project analyses, and watershed study for McAnear Creek. Costs are not to exceed \$202,011.00.

RS3. RS11-2007-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS APPROVING 2007 STATE HOMELAND SECURITY PROGRAM GRANT OF \$178,000 APPLIED FOR AND RECEIVED BY THE FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: The non-matching State Homeland Security Program Grant (SHSP) is to improve our jurisdiction's ability to respond to emergency incidents including natural and man made disasters. Monies will be used for State approved communication equipment. The grant in Texas is administered through the Governor's Division of Emergency Management (GDEM).

OR1. OR11-2007-61

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING SECTION 156: SIGN REGULATIONS, CHANGING ALL REFERENCES OF PUBLIC WORKS DIRECTOR TO THAT OF DEVELOPMENT SERVICES DIRECTOR; PROVIDING AN EFFECTIVE DATE.

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

BRIEF: Staff is requesting that Section 156: Sign Regulations be amended by exchanging all references of Public Works Director in sections 156.03 (B), 156.21 (B), 156.22 (A) and Appendix A with Development Services Director.

OR2. OR11-2007-62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS ADOPTING THE STATE PURCHASING LIMITS FOR FORMAL BIDDING; PROVIDING AN EFFECTIVE DATE.

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

BRIEF: To give local agencies more control over smaller purchases, the State of Texas recently adopted legislation that allows purchases up to \$50,000 without formal bidding. Items purchased for \$50,000 or less can be purchased by soliciting three (3) formal quotes from vendors of choice. By adopting the State formal purchasing limit, and maintaining Council approval for purchases over \$25,000, the City will be able to utilize local vendors for more of its needs, and still provide Council with final approval for all purchases over \$25,000.

OR3. OR11-2007-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS ADOPTING A REVISED SPEED ZONE FOR ISLAND GROVE ROAD (FM 2135), AS REQUESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; PROVIDING FOR PENALTY OF NOT MORE THAN \$200.00 OR THE CURRENT MAXIMUM ALLOWED BY LAW FOR THIS VIOLATION IN ACCORDANCE WITH SECTIONS 71.40 AND 70.70 OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Russell Schreiber, Director of Public Works

BRIEF: A request has been received from TxDOT to change the speed zone on Island Grove Road (FM 2135) at Control Section: 2734-01; MP 0.000 east 0.800 miles to MP 0.800, zoned at 50 MPH, MP 0.800 east 0.220 miles to MP 1.020, zoned at 60 MPH, Control Section: 2734-01 School Zone: MP 0.350 east 0.250 miles to MP 0.600, zoned at "35 MPH WHEN FLASHING", "50 MPH ALL OTHER TIMES". These changes will establish the school zone for Adams Elementary School.

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF OCTOBER 2007.

Person presenting this item: Greg Wilmore, Director of Finance

OC2.

AUTHORIZATION TO CANCEL SECOND REGULAR COUNCIL MEETING IN DECEMBER 2007.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Historically, the City Council has cancelled the second regular meeting in December due to the Christmas holiday. In order to cancel this meeting, Council action is required.

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

RESOLUTIONS

RS4. RS11-2007-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS CASTING A VOTE IN THE ELECTION FOR THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS FOR THE YEARS 2008 AND 2009; PROVIDING AN EFFECTIVE DATE.

Greg Wilmore, Director of Finance stated that every two years the City of Cleburne nominates an individual to serve on the Board of Directors for the Central Appraisal District. The last election was in November 2005. At that time, the City of Cleburne nominated, voted and elected Sid Pruitt as our representative to the board. On September 25, 2007 the City of Cleburne nominated Sid Pruitt to be our nominee to the Board for the 2008-2009 years. The current Board members are as follows; Byron Black-Chairman, Sid Pruitt-Vice Chairman, Troy Thompson-Secretary, Mike Brand, and R.D. Scott with Scott Porter-Tax Assessor/Collector(Advisory). It takes 834 votes to guarantee the election of a representative to the board but the City only has 330 votes this year. With partners; City of Alvarado (30 votes), Alvarado ISD (347 votes), Joshua ISD's (412 votes) or Cleburne's ISD's excess votes (172 votes) we can get Sid re-elected. Remember the five positions will be filled with the nominees that receive the most votes. Therefore a member can be elected and not get the 834 votes that guarantee a position on the board.

MOTION: to cast the City's votes for Sid Pruitt

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

RS5. RS11-2007-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF RIO VISTA FOR SALE OF SURPLUS VEHICLES AND EQUIPMENT; PROVIDING AN EFFECTIVE DATE.

Adam Miles, Assistant City Manager stated that the City of Cleburne has been asked to consider the sale of a 1998 1/2 ton GMC pick-up and a 1984 Ford backhoe to the City of Rio Vista. These two pieces of equipment are no longer used by the City of Cleburne and were slated for auction. Council action is required to authorize sale of this equipment to the City of Rio Vista for \$3500.

MOTION: to approve as presented

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

RS6. RS11-2007-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR PURCHASE OF REAL PROPERTY FOR USE AS A PUBLIC PARK; PROVIDING AN EFFECTIVE DATE.

Adam Miles, Assistant City Manager stated that this item was discussed earlier in Executive Session.

MOTION: to approve purchase of property adjacent to Don Moore Park as presented in executive session.

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

ORDINANCES

OPENED PUBLIC HEARING

OR4. OR11-2007-64

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES, BY THE REZONING OF 9.828 ACRES OF THE M.A. MCNEILL SURVEY A-566 (BEING ON EAST KILPATRICK NORTH OF 1702 EAST KILPATRICK AND WEST OF 1803 EAST KILPATRICK) DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 943, PAGE 465 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM IH (INTERIM HOLDING DISTRICT) TO M1 (LIGHT INDUSTRIAL DISTRICT) AS REQUESTED BY BOB CRAFT; 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 October 8, 2007. Notice was given as required by State law and the property owners within 200 feet were notified. We have received no inquiries or objections. Based on concerns regarding truck traffic near the new school and apartment complex and that this proposed zoning is not in compliance with the Comprehensive Land Use Plan, the Commission recommended **denial** of the zoning to M1 (Light Industrial District) by a vote of 3-4 with Chairman Chandler, Mrs. White, Mrs. Corder and Mr. Vasquez voting in opposition. A three-fourths vote of the Council is required to overturn the Commission's recommendation.

Speakers: Bob Craft, proponent spoke in favor and was available for questions from the Council.

CLOSED PUBLIC HEARING

MOTION: to approve as presented (M1)

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell	X		X				Approved as presented
Boles				X			Approved as amended
Force		X		X			Denied
Warren				X			Withdrawn
Reynolds			X				Tabled
						X	Failed for lack of super-majority
	Motion Carried	X	Motion Failed				Roll Call

OPENED PUBLIC HEARING

OR5. OR11-2007-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS, BY THE REZONING OF 302 ELMO STREET (BEING LOT 1, BLOCK 14 ALLEN'S ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 127, PAGE 640 DEED RECORDS, JOHNSON COUNTY, TEXAS, ALSO KNOWN AS LOT 1, BLOCK 173 ACCORDING TO THE OFFICIAL MAP OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS AND DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 2347, PAGE 895 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS), FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4/MH (SINGLE FAMILY DWELLING DISTRICT AND/OR HUD CODE MANUFACTURED HOUSING) AS REQUESTED BY JAMES AND DONNA POGUE; 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 October 8, 2007. Notice was given as required by State law and the property owners with 200 feet were notified. We have received inquiries but no objections. This property previously had a mobile home on it which was approved by a Specific Use Permit.

The existing mobile home has been removed so the property has lost its "grandfathered" status. Due to concerns regarding the new homes which have been built in the area and the size of the proposed manufactured home to the lot size, the Commission recommended that the rezoning to SF-4/MH (Single Family Dwelling District and/or HUD Code Manufactured Housing) be **denied** and that the property be zoned SF-4 (Single Family Dwelling District) by a vote of 6-1 with Mrs. Corder voting in opposition. A three-fourths vote of the Council is required to overturn the recommendation of the Planning & Zoning Commission.

Speakers: James Pogue, proponent asked the Council to overturn the P&Z recommendation and answered questions from the Council.

CLOSED PUBLIC HEARING

MOTION: to approve as presented (SF4/MH)

	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>

OTHER COUNCIL MATTERS

OPENED PUBLIC HEARING

OC3.

APPROVE PLAT OF LOT 13-R-1 AND LOT 14-R-1, BLOCK V, BELLE MEADOWS, PHASE 1 BEING A RE-PLAT OF LOT 13 AND 14, BLOCK V, BELLE MEADOWS, PHASE 1, AN ADDITION TO THE CITY OF CLEBURNE RECORDED IN VOLUME 8, PAGE 988, PLAT RECORDS OF JOHNSON COUNTY, TEXAS, KNOWN AS 2255 AND 2251 NOTTAWAY DRIVE, DESCRIBED IN VOLUME 2884, PAGE 126 AND VOLUME 4034, PAGE 97 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY RAIN TREE HOMES, INC. AND DICK G. AND SANDY M. SNYDER, REPRESENTED BY DUMAS LAND SURVEYING, INC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of October 8, 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 plat by a vote of 7-0.

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	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

OC4.

APPROVE PLAT OF LOT 1, BLOCK 47, COLLEGE HEIGHTS ADDITION TO THE CITY OF CLEBURNE, BEING A RE-PLAT OF A PART OF BLOCK 47, COLLEGE HEIGHTS ADDITION AS RECORDED IN VOLUME 154, PAGE 699, DEED RECORDS, JOHNSON COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF JOSLIN AVENUE, SOUTH OF BALES AVENUE AND NORTH OF POINDEXTER DRIVE, DESCRIBED IN VOLUME 1596, PAGE 699 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY KENT SMITH 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 October 8, 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 plat by a vote of 7-0.

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

OPENED PUBLIC HEARING

OC5.

APPROVE PLAT OF LOT 20-R, BLOCK 3, WINCHESTER ADDITION NO. 6, AN ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, BEING A RE-

PLAT OF LOT 20, BLOCK 3, WINCHESTER ADDITION NO. 6 RECORDED IN VOLUME 8 PAGE 824, SLIDE B-491 PLAT RECORDS, JOHNSON COUNTY, TEXAS, KNOWN AS 1611 SPENCER LANE DESCRIBED IN DEED TO GM&W DEVELOPMENT, LLC RECORDED IN THE OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY GM&W DEVELOPMENT, LLC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of October 8, 2007. Notice was given as required by State law and the property owners within 200 feet were notified. We have received no inquiries or objections. The Commission recommended approval of the plat by a vote of 7-0.

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

CITIZENS COMMENTS

Jason “Greywolf” Leigh asked to be confirmed as a board member to the Parks and Recreation Board.

Bill Miller spoke against the route of this year’s Downtown Christmas Parade. He also spoke against bagging meters downtown.

ADJOURNED AT: 7:51 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: November 27, 2007

CITY OF CLEBURNE

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary