



# City of Cleburne

## REGULAR CITY COUNCIL MEETING MINUTES

APRIL 8, 2008

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:

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- X 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
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### II. INVOCATION by Dr. Danny Crosby, First Baptist Church

### III. PLEDGE OF ALLEGIANCE by Cleburne Community Christian School

### IV. CEREMONIAL MATTERS

Presentation: God Bless America sang by Cleburne Community Christian School  
Proclamation – Christian School Month

### V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

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### CONSENT ITEMS

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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 MARCH 25, 2008 REGULAR COUNCIL MEETING.**

**BQ1.**

**AWARD BID FOR CULVERT EXTENSION AND PEDESTRIAN IMPROVEMENTS AT WOODARD STREET & MCANEAR CREEK TO HUMPHREY & MORTON CONSTRUCTION COMPANY, INC IN THE AMOUNT OF \$175,263.20.**

Person presenting this item: Kim Galvin, Purchasing Manager

**BRIEF:** Bids were received and opened on March 27, 2008. Five bids were received, and Humphrey & Morton Construction Company, Inc submitted the lowest, most responsible bid. The engineering firm for the project, Kimley-Horn & Associates, reviewed the bids and recommends award.

**BQ2.**

**AUTHORIZE RENEWAL OF ANNUAL CONTRACT WITH APAC – TEXAS, INC TO PROVIDE THE CITY’S BLACK BASE AND HOT MIX.**

Person presenting this item: Kim Galvin, Purchasing Manager

**BRIEF:** APAC-Texas has agreed to a second contract renewal for black base and hot mix at current pricing. All other street materials were re-bid and no bids were received. In the absence of a contract, staff will have to search for three quotes each time they need to replenish their street materials.

VENDOR	ITEM	PRICE
APAC – Texas Inc. (Cleburne)	340 Type B Fine Grade Base (Black Base)	\$40.75 per ton - F.O.B. Plant
APAC – Texas Inc. (S. Ft. Worth)	340 Type B Fine Grade Base (Black Base) (Alternate Bid)	\$38.75 per ton - F.O.B. Plant
APAC – Texas Inc. (Cleburne)	344 Type D Hot Mix	\$42.75 per ton - F.O.B. Plant
APAC – Texas Inc. (S. Ft. Worth)	344 Type D Hot Mix (Alternate Bid)	\$40.75 per ton - F.O.B. Plant

**OC1.**

**APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**OC2. PULLED FROM CONSENT**

**AUTHORIZE CITY STAFF TO AUCTION THE 313 COUNTRY CLUB DRIVE SURPLUS PROPERTY.**

**MOTION:** to approve with the exception of OC2 to be considered separately

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

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**ITEMS PULLED FROM CONSENT AGENDA**

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**OC2.**

**AUTHORIZE CITY STAFF TO AUCTION THE 313 COUNTRY CLUB DRIVE SURPLUS PROPERTY.**

Greg Wilmore, Director of Finance stated that Section 253.008 of the Texas Local Government Code allows a municipality to sell real property by public auction or by sealed bid. Sealed bids have been solicited for this property twice with no respondents. A tax lien sale is held monthly for city properties by Perdue, Brandon, Fielder, Collins & Mott LLP, and this property could be included in that sale. Mineral rights will be retained by the City, and a reserve of \$50,000 will be set.

Speakers: Alden Nellis spoke against this item and requested that Council consider not retaining mineral rights

**MOTION: to approve with a reserve net to the City of \$50,000**

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

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**RESOLUTIONS**

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**RS1.**

**RS04-2008-17**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT TO SELL CITY OWNED LAND LOCATED AT THE END OF SPARKS DRIVE TO THE CLEBURNE ECONOMIC DEVELOPMENT FOUNDATION, INC.; PROVIDING AN EFFECTIVE DATE.**

Jerry Cash, Economic Development Director stated that CEDF currently owns 103 acres adjoining

this City land and has engaged Childress Engineers to develop a plan for streets and utilities in that area. For future street or traffic planning as well as utility planning, the City owned land located east of CEDF's land would be beneficial if CEDF owned it for the overall development of this area. I have discussed the possibility of the City selling this land to CEDF with City management and the City Attorney. The City Attorney advised me that if certain conditions were met, this purchase might be possible subject to City Council approval. CEDF has hired the same licensed real estate appraiser to help determine the fair market value of this approximately 23.85 acres. The same appraiser earlier prepared an appraisal for TXDOT on approx. 59 acres for the ROW which the City sold to TXDOT in 2007 for the proposed Hwy 121 project in that same immediate area. The 23.85 acres were appraised at \$260,000.00. CEDF is also interested in an approximate 5 acre tract at the same rate per acre as the appraisal. Copies of the new land appraisal are available and have been reviewed by the City Manager, Director of Public Works and CEDF. CEDF is interested in surface interests only. City Attorney Adkins stated that the Texas Local Government Code provides that the City may sell property to another public entity pending the execution of a contract.

**MOTION: to approve as presented**

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

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**ORDINANCES**

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**OPENED PUBLIC HEARING**

**OR1. OR04-2008-23**

**AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT DOCUMENT FOR THE GARDENS ON HYDE PARK (LOCATED WEST OF HYDE PARK BOULEVARD, SOUTH OF MALL DRIVE AND NORTH OF STONEGATE DRIVE), AS REQUESTED BY SVENDSEN PROPERTIES, LLC., REPRESENTED BY RECER & FOX, INC.**

Donna Jackson Zimmerman, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of March 10, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries but no objections. This rezoning will allow one-half of each unit to be located on a separate lot and conveyed separately. P&Z recommended approval by a vote of 4-0.

Speakers: Peter Svendson, proponent, spoke for the item and answered questions from the Council.

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

**OTHER COUNCIL MATTERS**

**OPENED PUBLIC HEARING**

**OC3.**

**APPROVE RE-PLAT OF GARDENS ON HYDE PARK, BEING A RE-PLAT OF GARDENS ON HYDE PARK, A PLANNED DEVELOPMENT IN THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, (BEING 2.270 ACRES OF THE L.J. HALE SURVEY, KNOWN AS 208, 212, 216, 220, 224, 228, 232, 236 AND 240 HYDE PARK BLVD, AS REQUESTED BY SVENDSEN PROPERTIES LLC, REPRESENTED BY RECER & FOX, INC.**

Donna Jackson Zimmerman, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of March 10, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries but no objections. This re-plat will allow one-half of each unit to be located on a separate lot and conveyed separately. P&Z recommended approval with a vote of 4-0.

Speakers: Peter Svendsen, proponent, spoke in favor on the item.

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

**OPENED PUBLIC HEARING**

**OC4.**

**APPROVE FINAL PLAT OF LOT 1, BLOCK 1, FENN ADDITION, BEING A RE-PLAT OF LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 496, KNOWN AS 219/221 SOUTH BUFFALO, AS REQUESTED BY DON C. FENN AND MELINDA KAY FENN, REPRESENTED BY BRIAN FORRESTER.**

Donna Jackson Zimmerman, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of March 10, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have received no objections. P&Z recommended approval by a vote of 4-0.

Speakers: Brian Forrester spoke for the item and answered questions from the Council

**CLOSED PUBLIC HEARING**

**MOTION: to approve as presented**

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

**OC5.**

**APPOINTMENT TO THE HISTORICAL PRESERVATION COMMISSION.**

Donna Jackson Zimmerman stated that the first term of Gary Ewart, Dan Ricker and Sandra Williams expires on April 11. Staff respectfully requests that they be reappointed to another term. A replacement is needed for Curtis White who is now serving on the Zoning Board of Adjustment. Staff requests that Oakey Wagner be appointed to replace Mr. White.

**MOTION: to reappoint Gary Ewart, Dan Ricker and Sandra Williams and appoint Oakey Wagner**

	Motion	Second	Aye	No	Abstain	Absent	Result
Russell						X	<b>X</b> 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*

**OC6.**

**APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION.**

Clint Ishmael, Director of Fire Services stated that Clara McAfee has submitted a letter of resignation due to health issues. A replacement appointment is needed to fill the vacancy.

**MOTION: to appoint John Rollen**

	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*

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**CITIZENS COMMENTS**

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Bill Miller spoke on problems with developers getting necessary information from Staff.

**ADJOURNED AT: 7:44 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: April 22, 2008**

**CITY OF CLEBURNE**

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**Ted Reynolds, Mayor**

**ATTEST:**

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**Shelly Doty, City Secretary**