



City of Cleburne

REGULAR CITY COUNCIL MEETING MINUTES

DECEMBER 11, 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
- X Ivy Peterson, Deputy City Secretary
- ✓ Wade Adkins, City Attorney

Division Directors:

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

Department Heads:

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

Media:

- ✓ Matt Smith, Times-Review
- ✓ Teresa Blackwell, Cleburne Eagle

II. INVOCATION by Rev. Larry York, Nolan River Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

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 NOVEMBER 27, 2007 REGULAR COUNCIL MEETING.

BQ1.

AUTHORIZE RENEWAL OF CONTRACT WITH DYNA PAK CORPORATION FOR ANNUAL SUPPLY OF TRASH BAGS.

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

BRIEF: The Annual Refuse Bag contract was formally bid and awarded to Dyna Pak Corporation in January 2006. The terms and conditions of the 2006 bid included an option for four (4) one year renewals if agreed upon by both parties. Dyna Pak Corporation has agreed to a one year renewal at current prices. This represents the second renewal.

BQ2. PULLED FROM CONSENT

AUTHORIZE PURCHASE OF FOUR (4) FULLY EQUIPPED DODGE CHARGER POLICE CRUISERS FROM DALLAS DODGE IN THE AMOUNT OF \$170,800.

BQ3.

AWARD WATER SYSTEM IMPROVEMENTS BID TO WMH CONSTRUCTION, INC IN THE AMOUNT OF \$387,588.

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

BRIEF: On Thursday December 6, 2007 bids were received and opened from six (6) vendors. After reviewing the submitted bids, it is the opinion of the Public Works department that the bid submitted by WMH Construction, Inc. meets all minimum specifications. This project includes improvements on North Anglin Street, Meadowbrook Drive, Bales Avenue, and Border Street.

RS1. RS12-2007-63

A RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATIONAL PERMIT TO CAREFLITE FOR PROVIDING AMBULANCE SERVICES IN THE CITY OF CLEBURNE; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: CareFlite Ambulance Service is requesting renewal of their operational permit to provide ambulance service for the City of Cleburne. Permit application has been received and all fees have been paid.

RS2. RS12-2007-64

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO RICK'S WRECKER SERVICE FOR WRECKER

SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Rick's Wrecker Service is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne, which expires on December 31, 2007. According to the City's Code of Ordinances Chapter 110, this permit would be in effect from January 1, to December 31, 2008. All required applications, inspections, certificates and fees have been submitted as required.

RS3. RS12-2007-65

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PRINE TOWING & RECOVERY, INC. FOR WRECKER SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Prine Towing & Recovery, Inc. is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne, which expires on December 31, 2007. According to the City's Code of Ordinances Chapter 110, this permit would be in effect from January 1, to December 31, 2008. All required applications, inspections, certificates and fees have been submitted as required.

ORI. OR12-2007-63

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 90: AIRPORT, SECTION 90.035 (B)(1) FEES LEVIED AND IMPOSED OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS, PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE, PROVIDING FOR PUBLICATION, PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Mike Claunch, Director of Public Services

BRIEF: Staff is requesting the City Council consider amending Chapter 90, Section 90.035 Fees Levied and Imposed to reflect an increase in fees to lease unimproved land from the current fee of \$0.10 per square foot to \$0.11 per square foot.

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2007.

Person presenting this item: Chester Nolen, City Manager

OC2.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, FIVE STAR ADDITION TO THE CITY OF

CLEBURNE, JOHNSON COUNTY, TEXAS, LOCATED AT 509 EAST KILPATRICK (BEING 6.75 ACRES OF THE HECTOR MCNEIL SURVEY A-565, JOHNSON COUNTY, TEXAS), DESCRIBED IN VOLUME 3986, PAGE 316, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY ELWYN OWEN, REPRESENTED BY RECER & FOX, INC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of November 12, 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 6 to 0.

OC3.

APPROVE FINAL PLAT OF LOTS 1 AND 2, DOUD LAND CO. ADDITION, AN ADDITION TO THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE, BEING 10.78 ACRES OF LAND IN THE JAMES J. WARE SURVEY A-859 JOHNSON COUNTY, TEXAS, LOCATED AT THE SOUTHWEST INTERSECTION OF WINDMILL DRIVE AND CR 1017, DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 4100, PAGE 776 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY BEN DOUD, PRESIDENT OF DOUD LAND CO., LLC.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of November 12, 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 6 to 0.

OC4.

APPROVE FINAL PLAT OF CLEBURNE BIBLE CHURCH ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, (BEING 21.4826 ACRES OF THE WILLIAM SPEARS SURVEY, ABSTRACT 777, JOHNSON COUNTY, TEXAS), LOCATED AT THE NORTHEAST INTERSECTION OF HARLIN DRIVE AND NORTH NOLAN RIVER ROAD AND WEST OF YELLOWJACKET DRIVE AS DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 3894, PAGE 883, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, REQUESTED BY CLEBURNE BIBLE CHURCH, REPRESENTED BY C & P ENGINEERING, LTD.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of November 12, 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 6 to 0.

MOTION: to approve with the exception of BQ2 to be considered separately

	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

ITEMS PULLED FROM CONSENT AGENDA

BQ2.

AUTHORIZE PURCHASE OF FOUR (4) FULLY EQUIPPED DODGE CHARGER POLICE CRUISERS FROM DALLAS DODGE IN THE AMOUNT OF \$170,800.

Kim Galvin, Budget and Purchasing Manager stated that a quote for a fully equipped police car was received from Dallas Dodge in the amount of \$42,700. Dallas Dodge is a Houston-Galveston Area Council (H-GAC) vendor, and was the successful bidder for the Dodge Charger Police Car. By utilizing the contract through H-GAC the City has fulfilled all of the competitive bidding requirements established by the State of Texas.

Speakers: Bill Miller spoke against this item

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		X				Denied
Warren			X				Withdrawn
Reynolds			X				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ORDINANCES

OPENED PUBLIC HEARING

OR3. OR12-2007-64

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS, BY THE REZONING OF 1985 EAST KILPATRICK STREET (BEING 7.693 ACRES OF THE M.A. MCNEILL SURVEY A-566) DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 4156, PAGE 835 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM IH (INTERIM HOLDING DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY

SALTY’S DISPOSAL WELLS, LP.; 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 November 12, 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 owner of the property is requesting the zoning in order to be in compliance with Chapter 118: Oil and Gas Drilling; Mineral Exploration Ordinance. This well was permitted by the City on August 8, 2006, prior to the passage of amended Chapter 118 on January 23, 2007, which provides that "No salt water disposal wells shall be located in the city, except in an industrial district as described in Chapter 155, Zoning". The Commission was concerned that the proposed zoning was not in compliance with the Comprehensive Land Use Plan which calls for commercial use in this area and also was concerned regarding safety issues due to the truck traffic and the heavy industrial use of the property so close to the new school and apartment complex. The Commission by a vote of 6 to 0 recommended that the rezoning to M2 (Heavy Industrial District) be denied and that the property be zoned C3 (Commercial District) and to be considered as a legal non-conforming use since the well was permitted prior to the adoption of the Oil & Gas; Mineral Exploration Ordinance. **A three-fourths vote of the Council is required to overturn the Commission’s recommendation.**

Speakers: Clay Keith, Salty’s Disposal Well Service
CLOSED PUBLIC HEARING

MOTION: to approve rezoning to C3 as recommended by the Planning and Zoning Commission

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

OPENED PUBLIC HEARING
OR4. OR12-2007-65

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS, BY THE REZONING OF 9.813 ACRES OF THE CHRISTOPHER CHANEY SURVEY, A-124 (BEING ON THE EAST SIDE OF BLAKNEY DRIVE, BEING SOUTH OF BOONE AVENUE AND NORTH OF CEDAR STREET) DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 3929, PAGE 774 AND WARRANTY DEED RECORDED IN VOLUME 4130, PAGE 712 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM A (AGRICULTURAL DISTRICT) TO MF (MULTIPLE FAMILY DWELLING DISTRICT),

AS REQUESTED BY R.J. SIKES, REPRESENTED BY HICKMAN CONSULTING ENGINEERS, 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 November 12, 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 this request by a vote of 6 to 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

OTHER COUNCIL MATTERS

**OC5.
CONFIRM CITY MANAGER'S REAPPOINTMENT OF TERRI WILSON TO THE CIVIL SERVICE COMMISSION.**

Chester Nolen, City Manager stated that Terri Wilson's term on the Commission expires this month and she has graciously agreed to another term as Commissioner. Chapter 143 of Local Government Code provides that the CEO of the corporation (the City) appoint and the Council confirm appointments to the Civil Service Commission.

MOTION: to reappoint Terri Wilson

	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

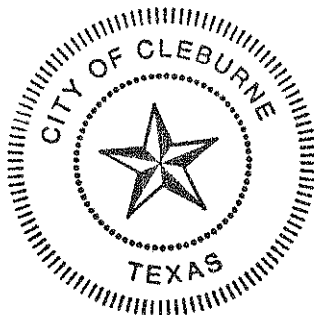
CITIZENS COMMENTS

Bill Miller spoke on problems with candy being thrown by the Police Dept. in the Christmas parade.

ADJOURNED AT: 7:21 pm

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: January 8, 2008



CITY OF CLEBURNE

Fed Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary