



City of Cleburne

REGULAR CITY COUNCIL MEETING MINUTES

JANUARY 8, 2008

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:

- X 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 Rev. Steve Dill, Southwest Family 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 [DECEMBER 11, 2007](#) REGULAR COUNCIL MEETING.

BQ1.

REJECT BIDS FOR THE UPPER HULEN PARK DAM REHABILITATION.

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

BRIEF: Bids for the Upper Hulen Park Dam Rehabilitation were received and opened on December 11, 2007. It is the recommendation of the Engineering firm contracted for this project that we reject the bids received. It is the opinion of the firm that the bids are approximately 2.5 times higher than the probable construction costs. The scope of the bid will be expanded and rebid.

BQ2.

AUTHORIZE PURCHASE OF A BACKHOE FROM RDO EQUIPMENT COMPANY IN THE AMOUNT OF \$84,990.

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

BRIEF: A quote for a backhoe to be used in the Water Dept. was received from RDO Equipment Company through the Houston-Galveston Area Council (H-GAC) purchasing cooperative. By utilizing the contract through H-GAC, the City has fulfilled all of the competitive bidding requirements established by the State of Texas.

BQ3.

AUTHORIZE PURCHASE OF A BUCKET-LADDER TRUCK FROM GRANDE TRUCK CENTER IN THE AMOUNT OF \$94,579.

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

BRIEF: A quote for a bucket-ladder truck to be used by the Street Dept. was received from Grande Truck Center through the State of Texas BuyBoard purchasing cooperative. By utilizing the contract through Buyboard, the City has fulfilled all of the competitive bidding requirements established by the State of Texas.

BQ4.

AUTHORIZE PURCHASE OF A DUMP TRUCK FROM DALLAS MACK SALES IN THE AMOUNT OF \$107,850.

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

BRIEF: A quote for a dump truck to be used in the Street Dept. was received from Dallas Mack Sales through the State of Texas BuyBoard purchasing cooperative. By utilizing the contract through Buyboard, the City has fulfilled all of the competitive bidding requirements established by the State

of Texas.

BQ5.

AWARD US 67 HOSPITAL LOOP WATER LINE CROSSING PROJECT TO B & L CONSTRUCTION COMPANY IN THE AMOUNT OF \$335,421.

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

BRIEF: On December 19, 2007 bids were received and opened from thirteen (13) vendors for the US 67 Hospital Loop Water Line Crossing project. After reviewing the submitted bids, it is the opinion of Childress Engineers that B & L Construction Company submitted the lowest bid which met all minimum specifications. This project includes 3,325 linear feet of 20", 16", and 12" water main and miscellaneous appurtenances.

RS1. RS01-2008-01

A RESOLUTION OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH SCHRICKEL, ROLLINS AND ASSOCIATES FOR PROVISION OF PLANNING AND SERVICES TO UPDATE THE CITY OF CLEBURNE PARKS, RECREATION & OPEN SPACE MASTER PLAN AT A COST NOT TO EXCEED \$43,125.00, PLUS REIMBURSABLE EXPENSES; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Max Robertson, Director of Parks & Recreation

BRIEF: It is recommended that Schrickel, Rollins and Associates, Inc. be hired for conducting professional planning services to update the City of Cleburne Parks, Recreation & Open Space Master Plan. The current plan was completed in 2002. Texas Parks and Wildlife requires that city master plans must be updated every three years in order to be eligible for Parks and Wildlife Grants. The current master plan was developed by Schrickel, Rollins and Associates and to streamline the process, staff recommends that the update be accomplished by the same firm. Considerable changes have taken place since the 2002 plan and this plan will include a citizen survey to help chart needs for Cleburne during this critical time of growth and expansion.

RS2. RS01-2008-02

A RESOLUTION OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH JACOBS CARTER BURGESS FOR PROVISION OF PLANNING AND LANDSCAPE ARCHITECTURAL SERVICES FOR THE PREPARATION OF A LAKE PAT CLEBURNE AREA PARK AND RECREATION MASTER PLAN AT A COST NOT TO EXCEED \$38,900.00, PLUS REIMBURSABLE EXPENSES; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Max Robertson, Director of Parks & Recreation

BRIEF: It is recommended that Jacobs Carter Burgess be hired for conducting professional planning

services to analyze the existing areas around Lake Pat Cleburne and to prepare a conceptual plan addressing potential development of recreational areas on and around the lake. The Master Plan will be a tool that City Officials can use to plan future improvements and budgets for park and recreational amenities. This plan is intended to help provide vision and forethought in the recreational development of one of Cleburne's most important assets.

RS3. RS01-2008-03

A RESOLUTION OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH FREESE & NICHOLS FOR REQUIRED GROUNDWATER AND METHANE MONITORING AT THE CITY LANDFILL; PROVIDING AN EFFECTIVE DATE.

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

BRIEF: TCEQ requires monthly methane monitoring and groundwater monitoring of sampling wells. Freese and Nichols has previously performed the monitoring and is currently assisting the City with installing additional vents to meet TCEQ requirements. Cost for Year One of the environmental monitoring is not to exceed \$43,500 with a one year option to renew.

RS4. RS01-2008-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT FOR LEASE OF PARKING SPACES AT THE SMITH HISTORY CENTER PARKING LOT; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Adam Miles, Assistant City Manager

BRIEF: This item is being presented to authorize an interlocal agreement with the Johnson County Central Appraisal District for the lease of eighteen (18) parking spaces at the Smith History Center Parking Lot - site of the former Esquire Theater. Other spaces are marked for museum visitors and additional personnel at the Fire Administration Building. The proceeds from the lease are to assist with ongoing operations at the Museum and Smith History Center.

OR1. OR01-2008-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS ESTABLISHING A NO PARKING ZONE ON THE SOUTH SIDE OF ROSE AVENUE FROM WREN COURT 500 FEET WEST; PROVIDING FOR PENALTY OF NOT MORE THAN \$200.00 OR THE CURRENT MAXIMUM ALLOWED BY LAW FOR THIS VIOLATION IN ACCORDANCE WITH SECTIONS 72.02 (I) OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

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

BRIEF: Staff has received complaints of blocked driveways while parents are waiting for Cooke

School to dismiss for the day. The school has ample area for parents to park without inconveniencing others in the area. This no parking zone will allow for enforcement so that ingress and egress will not be hindered.

OR2. OR01-2008-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING CHAPTER 31: BOARDS, COMMISSIONS AND OTHER PUBLIC BODIES, SECTION 31.03 TO PROVIDE THAT MEMBERS OF BOARDS AND COMMISSIONS MUST BE REGISTERED VOTERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: The current ordinance does not provide that board and commission members be registered voters. Passage of this ordinance would ensure that the City would be in line with other municipalities' requirements.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2007.

Person presenting this item: Greg Wilmore, Director of Finance

OC2.

APPROVE FINAL PLAT OF LOTS 1 THROUGH 5, BLOCK 1, WARLICK ADDITION, (BEING 9.99 ACRES OF THE JAMES WARE SURVEY A-859), LOCATED IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, ON THE EAST SIDE OF COUNTY ROAD 1018, SOUTH OF COUNTY ROAD 902 AS RECORDED IN VOLUME 4165 PAGE 518 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, REQUESTED BY JOE WARLICK; REPRESENTED BY DUMAS LAND SURVEYING, 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 26, 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 6-0.

OC3.

APPROVE FINAL PLAT OF LOTS 1-R, 2-R, 3-R AND 4-R, BLOCK 1, SOUTH MAIN STORAGE ADDITION, BEING A RE-PLAT OF LOTS 1, 2 AND 3 OF BLOCK 1 OF SOUTH MAIN STORAGE ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, AS RECORDED IN VOLUME 8, PAGE 898, PLAT RECORDS, JOHNSON COUNTY, TEXAS, AND 2.04 ACRES SITUATED IN THE WILLIAM DIXON SURVEY, ABSTRACT NO. 206 (BEING 6.895 ACRES OF THE WILLIAM DIXON SURVEY ABSTRACT NUMBER 206 JOHNSON COUNTY, TEXAS) LOCATED AT 1497

AND 1501 SOUTH MAIN, CLEBURNE, JOHNSON COUNTY, TEXAS, DESCRIBED IN VOLUME 1651, PAGE 673 AND VOLUME 2144 PAGE 39 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, AS REQUESTED BY JAMES W. TERRY AND TIM LYNESS.

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

BRIEF: The Planning and Zoning Commission considered this request at its meeting of November 26, 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 6-0.

MOTION: to approve in its entirety

	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

ORDINANCES

OR3. OR01-2008-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING CHAPTER 70: GENERAL REGULATIONS, TO INCLUDE SECTION 70.27, CERTAIN ROADWAYS DESIGNATED “NOT FOR THROUGH TRAFFIC”; PROVIDING FOR PENALTY OF NOT LESS THAN \$5.00 AND NOT MORE THAN \$200.00 FOR EACH OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

Terry Powell, Police Chief stated that the proposal for this Ordinance is due to traffic using the cemeteries and the Cleburne Sports Complex to avoid school traffic issues at Adams Elementary on FM 2135.

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

OR4. OR01-2008-04 OPENED PUBLIC HEARING

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 1014 N. NOLAN RIVER ROAD, AS REQUESTED BY CLEBURNE PHYSICAL THERAPY; 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 a LED electronic message center to be located at 1014 N. Nolan River Road. 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, Nolan River Road 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. The proposed sign does not front a U.S. or Texas highway.

Speakers: Mark Simmerman, Cleburne Physical Therapy, proponent

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	

OR5. OR01-2008-05 OPENED PUBLIC HEARING

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, TEXAS, BY THE REZONING OF 803 BALES STREET (BEING LOT 10, BLOCK 861, A RESUBDIVISION OF J.A. STANFORD ADDITION TO THE CITY OF CLEBURNE, JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 62, PLAT RECORDS, JOHNSON COUNTY, TEXAS) DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 642,

PAGE 9, OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT), AS REQUESTED BY ANTHONY J. ZAMBINO; 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 26, 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 6-0.

Speakers: Shirley Johnson spoke on behalf of the proponent

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

Councilman Force asked staff to begin the process to rezone the remaining residential lots.

CITIZENS COMMENTS

ADJOURNED AT: 7:18 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: January 22, 2008

CITY OF CLEBURNE

ATTEST:

Ted Reynolds, Mayor

Shelly Doty, City Secretary