



**REGULAR CITY COUNCIL MEETING MINUTES**  
**JULY 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 @ 7:01pm**

**City Council:**

- ✓ Ted Reynolds, Mayor
- ✓ Kyle Boles, Mayor Pro Tem
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

**Administration:**

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

**Division Directors:**

- ✓ Jerry Cash, Economic Development
- ✓ David Esquivel, Public Works
- ✓ Bonita Hall, Human Resources
- ✓ Rick Holden, Public Services
- ✓ Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- ✓ Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Greg Wilmore, Finance

**Department Heads:**

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

**Media:**

- ✓ Matt Smith, Times-Review
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**II. INVOCATION** by Pastor J.D. Wright, North Cleburne Church of Christ

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Proclamation                      **Recreation and Parks Month**, July 2008

**V. CITY SECRETARY READS 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 JUNE 24, 2008 REGULAR COUNCIL MEETING.**

**BQ1.**

**AUTHORIZE PURCHASE OF ROOFING MATERIALS FOR CITY HALL ROOF RENOVATION FROM THE GARLAND COMPANY IN THE AMOUNT OF \$46,960.58.**

Person presenting this item: Adam Miles, Assistant City Manager

**BRIEF:** The roof system at City Hall is failing in several locations and causing ceiling and plaster damage in areas throughout the building. Due to the historic nature of the metal roofing on the largest portion of the building, ArchiTexas was brought in to prepare plans and specifications in conjunction with the Garland Company. The intent is to provide a long term solution requiring minimal maintenance while preserving and protecting the original metal roof. This item includes all materials and supplies necessary for the renovation and repair of all the various roof systems on City Hall. A separate item is being presented concerning the labor for installation. The Garland Company has provided a materials and supplies list and pricing based on a previously bid GSA contract for this project. The Garland Company is providing the warranty for this roof and will oversee installation. The total cost of materials for this project is \$46,960.58.

**BQ2.**

**AWARD BID FOR CITY HALL ROOF RENOVATION TO TRILAM ROOFING FOR LABOR AND INSTALLATION IN THE AMOUNT OF \$70,300.**

Person presenting this item: Adam Miles, Assistant City Manager

**BRIEF:** Sealed bids were received and opened on Thursday, June 26, 2008 for the labor and installation required for renovation of the roof system at City Hall. The roof is failing in several locations and causing ceiling and plaster damage in areas throughout the building. This item includes labor for installation of the materials as specified by ArchiTexas and The Garland Company. The Garland Company is providing the warranty for this roof and will oversee installation. The total cost of labor and installation for this project is \$70,300.00. The overall total cost for the project will be \$117,260.58.

**BQ3.**

**AWARD BID FOR THE WINSTON PATRICK MCGREGOR PARK PARKING LOTS AND SIDEWALKS TO DIRTCO DBA STYLES CONTRACTING IN THE AMOUNT OF \$144,442.50.**

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

**BRIEF:** Bids were received and opened on July 1, 2008. Bids were reviewed by the Engineering Department and references were checked. It is the opinion of city staff that DirtCo submitted the lowest, most responsible bid.

**RS1. RS07-2008-39**

**A RESOLUTION APPROVING QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING MARCH 31, 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**BRIEF:** Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. The report should cover investment transactions for all funds covered by the Act for the preceding period.

**OC1.**

**APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**OC2.**

**APPROVE FINAL PLAT OF LOTS 10-R1, 11-R1, 12-R1, AND 13-R1 BARNETT INDUSTRIAL PARK ADDITION AND 17.083 ACRES OF THE THOMAS EDWARDS SURVEY, TO BE KNOWN AS BARNETT INDUSTRIAL PARK ADDITION SECTION TWO, LOCATED SOUTH OF BARNETT DRIVE, EAST OF COUNTY ROAD 1112 (OLD FOAMY ROAD), AND EAST OF STATE HIGHWAY 174, AS REQUESTED BY CLEBURNE REAL ESTATE HOLDINGS, LP; REPRESENTED BY CHRIS FERRIS OF MAGES REAL ESTATE GROUP LLC.**

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

**BRIEF:** The Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law. No objections have been received. The Commission recommended approval by a vote of 7 to 0.

**MOTION: to approve in its entirety**

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

**ORDINANCES**

**\*OPENED PUBLIC HEARING**

**OR1. OR07-2008-41**

**AN ORDINANCE REZONING 17.083 ACRES OF THE T.F. EDWARDS SURVEY [LOCATED SOUTH OF BARNETT DRIVE, EAST OF STATE HIGHWAY 174 AND EAST OF COUNTY ROAD 1112 (OLD FOAMY ROAD)], FROM A (AGRICULTURAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY CLEBURNE REAL ESTATE HOLDINGS, L.P., REPRESENTED BY CHRIS FERRIS.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. No objections have been received. The Commission recommended approval by a vote of 7 to 0.

Proponent, Chris Ferris was present, but the Council had no questions.

Speakers: None

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve**

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

**\*OPENED PUBLIC HEARING**

**OR2. OR07-2008-42**

**AN ORDINANCE REZONING 909 NORTH MAIN STREET FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO C3 (COMMERCIAL DISTRICT), AS REQUESTED BY CARNICERIA MI PUEBLO CORPORATION, REPRESENTED BY MANUEL VARGAS.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. There have been inquiries, but no objections. The Commission recommended approval by a vote of 7 to 0.

Speakers: None

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve**

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

**\*OPENED PUBLIC HEARING**

**OR3. OR07-2008-43**

**AN ORDINANCE REZONING 2924 WEATHERFORD HIGHWAY (BEING 10.0 ACRES OF THE M.J. FALVEL SURVEY), FROM M1 (LIGHT INDUSTRIAL DISTRICT) AND A (AGRICULTURAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY ROBERT MATTHEWS.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. No objections have been received. The Commission recommended approval by a vote of 7 to 0.

Speakers: None

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve**

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

**\*OPENED PUBLIC HEARING**

**OR4. OR07-2008-44**

**AN ORDINANCE REZONING 704 MILL STREET FROM C1 (LOCAL BUSINESS DISTRICT) TO C3 (COMMERCIAL DISTRICT), AS REQUESTED BY JOE E. MARCHBANKS.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. There have been inquiries, but no objections. The Commission recommended approval by a vote of 4 to 3 with Chairman Chandler, Mrs. White and Mrs. Corder voting in opposition.

Speakers: Proponent, Joe Marchbanks was present to answer questions of the Council. There were no questions.

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve**

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

**OR5. OR07-2008-45**

**AN ORDINANCE APPROVING A SIGN VARIANCE FOR THE HEIGHT OF A MULTI-TENANT MONUMENT SIGN LOCATED AT 102A BARNETT DRIVE FROM 12 FEET TO 18.6 FEET, AS REQUESTED BY MAGES REAL ESTATE.**

Donna Jackson, Director of Development Services stated that this is a request for a multi-tenant sign located at 102A Barnett Drive to exceed the recommended height of 12 feet to 18.6 feet. According to Appendix A: Table 1, Schedule of Permitted Signs, a proposed monument sign in an "M2" Heavy Industrial District may be a maximum of 12 feet in height. However, Section 156.13 states that in an industrial development over 10 acres, the size and height of the proposed sign may exceed those limitations upon approval of a site plan by the City Council. The site plan has been provided.

Speakers: Proponent, Chris Ferris was present to answer questions of the Council.

**MOTION: to approve with the condition that this sign would be for the entire Barnett Industrial Park**

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

**OR6.**

**AN ORDINANCE APPROVING A SIGN VARIANCE PERMITTING FOR A MONUMENT SIGN IN AN "SF-4" RESIDENTIALLY ZONED AREA LOCATED AT 303 N. HYDE PARK BLVD, AS REQUESTED BY THE VILLAS AT HENDERSON PLACE APARTMENT HOMES.**

Donna Jackson, Director of Development Services stated that this is a request for a monument sign to be located at 303 N. Hyde Park Blvd. This property has a dual zoning of "SF-4" Single Family Dwelling District and "MF" Multi-Family with the portion adjacent to Hyde Park being zoned "SF-4". The proposed location of the sign will be in the "SF-4" district. According to Section 156.07, monument signs are only allowed in "CO", "C1", "C2", "C3", "M1" and "M2" zoning districts. The applicant, Villas at Henderson Place Apartment Homes, does not currently have an identifying sign.

Speakers: Proponent Paul Fulks was present and answered questions of the Council.

**MOTION: to deny**

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

**OR7.**

**AN ORDINANCE APPROVING A SIGN VARIANCE ALLOWING A POLE AND MONUMENT SIGN TO BE LOCATED ON THE SAME PREMISES AT 1109 W. HENDERSON STREET, AS REQUESTED BY SAINT MARK UNITED METHODIST CHURCH.**

Donna Jackson, Director of Development Services stated that this is a request for a pole sign and monument sign to be used in combination on the same premises. According to Section 156.06, a pole and monument sign combination is not permitted.

Speakers: Tom Burkett, in favor of variance, was present to answer questions of the Council.

**MOTION: to postpone to July 22<sup>nd</sup> Regular Council Meeting**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				Approved as presented
Boles			X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				X Postponed until: 7/22
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

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**OTHER COUNCIL MATTERS**

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***\*OPENED PUBLIC HEARING***

**OC3.**

**APPROVE FINAL PLAT OF LOT 10-R1 AND LOT 10-R2, BLOCK A, EASTERN HEIGHTS ADDITION (LOCATED AT THE NORTHEAST INTERSECTION OF LIPSCOMB STREET AND GEORGE STREET), AS REQUESTED BY WELDON E. COBLE, SR., ANNETTE E. COBLE AND SHIPMAN PROPERTIES, INC.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 9, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. No objections have been received. With the proposed plat not meeting the subdivision regulations regarding lot size and road frontage, the Commission recommended denial by a vote of 7-0. It will take a three-fourths vote of the Council in order to overturn the Commission’s recommendation.

Speakers: Proponent, Weldon Coble, Sr. was present to answer questions of the Council.

***\*CLOSED PUBLIC HEARING***

**MOTION: to deny**

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

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**CITIZENS COMMENTS**

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**GUIDELINES.** Citizens Comments gives the public an opportunity to make comments or address concerns not posted on the agenda. The City Council may take no action during this portion of the agenda. The Council may only ask clarifying questions or direct staff to take appropriate action. Each person will be allowed five minutes to comment on any particular subject. No more than two persons will be allowed to comment on any particular subject, one in favor and one against. All persons desiring to make comments under this section must sign a card prior to the council meeting identifying themselves and the topic they desire to address.

None

**ADJOURNED AT: 8:01pm**

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**APPROVAL OF MINUTES**

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

**CITY OF CLEBURNE**

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**Ted Reynolds, Mayor**

**ATTEST:**

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**Shelly Doty, City Secretary**