



**REGULAR CITY COUNCIL MEETING MINUTES**  
**JULY 22, 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
- ✓ Dr. Bob Kelly, 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 Akins, City Attorney

**Division Directors:**

- X 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
- 

**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**

---

**C1. MINUTES**

**APPROVAL OF MINUTES FOR THE JULY 8, 2008 REGULAR COUNCIL MEETING.**

**BQ1.**

**AWARD BID FOR THE BALL FIELD FENCE REHABILITATION PROJECT TO**

**CLEBURNE FENCE IN THE AMOUNT OF \$134,950.**

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

**BRIEF:** Five bids were received on July 15, 2008 for the Ball Field Rehabilitation. Cleburne Fence Company submitted the lowest, most responsible bid.

**RS1. RS07-2008-40**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NUMBER 1 FOR SEDIMENT REMOVAL IN BUFFALO CREEK BY ARK CONTRACTING SERVICES IN AN AMOUNT NOT TO EXCEED \$29,755.00.**

Person presenting this item: Adam Miles, Assistant City Manager

**BRIEF:** ARK Contracting Services is performing rehabilitation work for the upper and lower dams in Buffalo Creek located at Hulen Park. A significant amount of sediment has accumulated over the years in the creek bed and ARK was asked to provide a change order for removal of a portion of the material. The price as quoted reflects the use of ARK equipment and hauling by their vehicles with the City providing one dump truck. Costs for this change order will be paid from the General Fund non-departmental contingencies fund.

**OR1. OR07-2008-46**

**AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2007-2008, BY INCREASING THE SALES TAX REVENUE ACCOUNT, 0111-6110, \$1,576,373.00 TO \$6,690,882.00, AND TRANSFERRING \$13,500.00 FROM THE GENERAL FUND, FUND BALANCE, TO 0138-8664, PROFESSIONAL SERVICES.**

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

**BRIEF:** This budget change will more accurately reflect the anticipated sales tax revenue collections for the fiscal year, and will provide contract personnel for MIS for three months.

**OC1.**

**APPROVE FINAL PLAT OF LOT 1, BLOCK 1, BORDEN'S ADDITION (LOCATED AT 3319 DOVE CREEK ROAD, BEING 1.3 ACRES OF THE H. ADDISON SURVEY), AS REQUESTED BY DELMER WEST.**

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

**BRIEF:** The Planning and Zoning Commission considered this request at its meeting of June 23, 2008. Notice was given as required by State law. We have received no objections. The Commission recommended approval by a vote of 6-0.

**OC2.**

**APPROVE RE-PLAT OF LOTS 6-R-1 AND 6-R-2, SECTION 2, CORNERSTONE**

**SUBDIVISION BEING A RE-PLAT OF LOT 6, SECTION TWO, CORNERSTONE SUBDIVISION (BEING 1.884 ACRES OF THE L.J. HALE SURVEY, KNOWN AS 280 SOUTH COLONIAL DRIVE), AS REQUESTED BY CLEBURNE DOUBLE H, INC., 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 June 23, 2008. Notice was given as required by State law. We have received no objections. P&Z recommended approval by a vote of 6-0.

**MOTION: to approve in its entirety**

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

**RESOLUTIONS**

**RS2. RS07-2008-41**

**A RESOLUTION SUSPENDING THE AUGUST 8, 2008, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS.**

Greg Wilmore, Director of Finance stated that Oncor Electric Delivery Company (formally TXU Electric Delivery Co.) has filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. Remember, this is the wires company and therefore the only part that is regulated. The Company asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Approval of this Resolution would give our steering committee 90 days to take action.

Speakers: Buddy Bridges, Area Manager Oncor Electric, answered questions from the Council

**MOTION: to approve as presented**

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

**RS3. RS07-2008-42**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT IN THE CASE OF HEARNE HOMES ET AL. V. CITY OF CLEBURNE.**

Chester Nolen, City Manager stated that this was in reference to the structure located in Belle Meadows that exceeded the front yard setback requirements. This agreement would settle the issue. The Staff and City Attorney recommended approval.

**MOTION: to approve as discussed in executive session**

	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>

---

**ORDINANCES**

---

**OR2. OR07-2008-47**

**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. This item was postponed from the July 8, 2008 Regular Council Meeting.

Speaker: Jack Browder, representing St. Mark United Methodist Church, answered questions from the Council

**MOTION: to approve with the stipulation that the existing marquee portion of the pole sign**

**be removed and prohibiting the use of portable signs on the property**

	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>

**MOTION TO RECONSIDER**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly	X		X				X	Approved as presented
Boles			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>

**MOTION: to prohibit the use of portable signs on said property**

	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. OR07-2008-48**

**AN ORDINANCE REZONING 626.5 EAST CHAMBERS FROM MF (MULTIPLE FAMILY DWELLING DISTRICT) TO SF-4/MH (SINGLE FAMILY DWELLING DISTRICT AND/OR HUD CODE MANUFACTURED HOUSING), AS REQUESTED BY BERNICE WESTBROOK JAMES.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of June 23, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. Mrs. James has acknowledged receipt of the Guidelines for a HUD Code Manufactured Home. We have received inquiries but no objections. P&Z recommended approval by a vote of 6-0.

Speakers: Bernice James answered questions from the Council

**\*CLOSED PUBLIC HEARING**

**MOTION: to approve as presented**

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

**\*Council directed Staff to take the issue of manufactured homes facing the street to Planning and Zoning for consideration.**

**\*OPENED PUBLIC HEARING**

**OR4. OR07-2008-**

**AN ORDINANCE AUTHORIZING REMOVAL OF ALL DOWNTOWN PARKING METERS AND REPLACING METER POLES WITH SIDEWALK INSERTS FOR FLYING FLAGS DURING HOLIDAYS AND SPECIAL OCCATIONS.**

Terry Powell, Chief of Police stated that there are a total of 185 metered parking spaces in the downtown business district on Henderson, Chambers, Main, and Caddo streets. A survey was begun in late November 2007 to count the number of empty parking spaces on these streets on a daily basis. The count was made twice daily. The police department has received several phone calls supporting the discontinued use of the meters and one citizen who supports the continued use. Should the Council authorize the removal of the meters, Staff would meet with the Rotary Club to coordinate which areas they would like to add flag pole inserts.

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>		

---

**OTHER COUNCIL MATTERS**

---

**OC3.**

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

Clint Ishmael, Fire Chief stated that Gerald Sigler’s second two-year term expired June 18, 2008. A replacement appointment is needed to fill the vacancy. Doris Sims has submitted an application and staff feels she would be beneficial to the Commission.

**MOTION: to appoint Tommy Owen**

	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>

---

**CITIZENS COMMENTS**

---

Mayor complimented the Staff for their hard work over the past week dealing with the possible contamination of water and with the drowning at Lake Pat Cleburne.

**ADJOURNED AT: 7:47 p.m.**

---

**APPROVAL OF MINUTES**

---

**APPROVED BY MAJORITY VOTE OF COUNCIL ON: August 12, 2008**

**CITY OF CLEBURNE**

\_\_\_\_\_  
**Ted Reynolds, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Shelly Doty, City Secretary**