



REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 26, 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
- X Kyle Boles, Mayor Pro Tem
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Robert Force, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Chester Nolen, City Manager
- X Adam Miles, Assistant City Manager
- ✓ 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
- X Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Greg Wilmore, Finance

Department Heads:

- X Kim Galvin, Budget & Purchasing
- ✓ Ann Powell, Planning & Zoning
- ✓ Kent Glover, Police Services

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Earl Sides, Youth Pastor Calvary Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS None

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 requests. 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 AUGUST 12, 2008 REGULAR COUNCIL MEETING.

RS1. RS08-2008-49

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR EMERGENCY 9-1-1 SERVICE AND EQUIPMENT.

Person presenting this item: Kent Glover, Police Commander

BRIEF: A two-year agreement (September 1, 2008 - August 31, 2010) that sets forth certain 9-1-1 provisions as prescribed by the Commission on State Emergency Communication. The intent of the agreement is to help assure an effective operation of this service area's 9-1-1 network and to comply with Commission rules, regulations and policies.

RS2. RS08-2008-50

A RESOLUTION APPROVING THE HEALTH PLANS SUBMITTED BY UNITED HEALTH CARE FOR HEALTH COVERAGE, SAFEGUARD FOR DENTAL SERVICES, LINCOLN FINANCIAL FOR ANCILLARY BENEFITS AND LEGGETTE ACTUARIES FOR FLEXIBLE SPENDING PROGRAM, FOR THE 2008-2009 CITY EMPLOYEES' HEALTH PLAN.

Person presenting this item: Bonita Hall, Director of Human Resources

BRIEF: For the past few months, staff and IPS, the City's insurance advisor, have worked together evaluating proposals submitted for the City's major benefits. Staff recommends passage of the resolution approving United Health Care (UHC) as the provider of health insurance benefits, Lincoln Financial as the provider of ancillary benefits (life, ADD, and long term disability) Safeguard as the provider of dental services and Leggette Actuaries for flexible spending program.

MOTION: to approve in its entirety

	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>

RESOLUTIONS

RS3. WITHDRAWN

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH TEXAS

MIDSTREAM GAS SERVICES, L.L.C. TO INSTALL AND OPERATE A PIPELINE FOR THE TRANSPORTATION OF OIL, GAS, PETROLEUM PRODUCTS, WATER OR OTHER LIQUIDS OR GASES AND RELATED APPURTENANCES THAT WILL BE REFERENCED AS THE EAST LAKE LOOP PIPELINE.

RS4. WITHDRAWN
A RESOLUTION PROVIDING FOR A MORATORIUM ON THE REZONING OF PROPERTY TO SF-4/MH (SINGLE FAMILY DWELLING DISTRICT AND/OR HUD CODE MANUFACTURED HOUSING DISTRICT).

ORDINANCES

****OPENED PUBLIC HEARING***

OR1. OR08-2008-51
AN ORDINANCE REZONING 1301 BOONE STREET (BEING 10 ACRES OF THE CHRISTOPHER CHANEY SURVEY) FROM IH (INTERIM HOLDING DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT), AS REQUESTED BY BARRY R. AND LAURA L. GILREATH, REPRESENTED BY HEIDI GILDENBLATT.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its July 28, 2008 meeting. Notice was given as required by State law and the property owners within 200 feet were notified. We have received inquiries but no objections. P&Z recommended approval by a vote of 4-0. If approved, the existing home will become a non-conforming use and shall exist under the provisions as provided in Chapter 155.08 on the Zoning Ordinance.

Speakers: Heidi Gildenblatt, representative for proponent

****CLOSED PUBLIC HEARING***

MOTION: to approve

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

OR2. OR08-2008-52
AN ORDINANCE AMENDING ORDINANCE OR03-1974-14, SECTION I (A) #8, BY REDUCING THE LENGTH OF THE "NO PARKING-LOADING ZONE" ON THE NORTH SIDE OF WEST JAMES STREET BETWEEN SOUTH MAIN AND SOUTH MILL

STREETS TO ALLOW FOR ADDITIONAL PARKING SPACES.

David Esquivel, Director of Public Works stated that the existing loading zone on James Street is too large and takes up parking spaces. In order to allow for additional parking spaces, the north side of James Street between S. Main and S. Mill Streets should be amended as follows: Beginning at the corner of South Main on James Street, 27 ft west will be designated as NO PARKING; then 40 ft west designated NO PARKING-LOADING ZONE; then 100 ft designated for 5 parking spaces; then 25 ft to corner of Mill designated as NO PARKING with the curbs painted red and marked no parking.

Speakers: Doris Lanfear spoke against the No Parking zone
 Bill Miller spoke in favor of the Ordinance as written

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>

OR3.

AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 99: STREETS AND SIDEWALKS, SECTION 99:06 OBSTRUCTION OF PUBLIC STREETS AND DELETING SECTION 99:07 OBSTRUCTION BY TREES, HEDGES OR SHRUBS IN ITS ENTIRETY.

Clint Ishmael, Fire Chief stated that the City of Cleburne should ensure all streets are free from obstructions for the safe and efficient flow of all traffic, including emergency vehicles. After reviewing Sections 99.06 and 99.07, staff updated and combined these two sections into a single section. Other parts of Section 99.07 will be incorporated into proposed revisions of the nuisance ordinance. Staff recommends adopting the proposed revisions of Section 99.06 "Obstruction of Public Streets" and deleting Section 99.07 "Obstruction by Trees, Hedges or Shrubs" regarding the trimming of trees over public streets.

Speakers: Monte Swatzell spoke against the item
 Rondell Fagan spoke against this item
 Ben Oefinger spoke against this item
 Ricky Hempel spoke against this item
 Charles Bush spoke for this item

MOTION: to postpone for further study and input from citizens

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

OTHER COUNCIL MATTERS

OC1.

DESIGNATE AN OFFICER OF THE CITY TO SERVE AS DIRECTOR OF PUBLIC WORKS.

Chester Nolen, City Manager stated that the position of Director of Public Works has been offered to David Esquivel. Mr. Esquivel has been serving as Interim Director since June 2008.

MOTION: to approve as presented

	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	Motion Carried		Motion Failed			Roll Call		

OC2.

APPOINTMENT TO THE MUSEUM ADVISORY BOARD.

Rick Holden, Director of Public Services stated that Aquila Read, Robert Theimer and Bill Ann Billings whose terms expire in August and September are all willing to serve a second term should they be reappointed. The Museum Board also needs one new member to replace Floyd Langford. His second term expired July 2008. Staff recommends for your consideration Rosemarie Wileman, Linda Walden, Michael Simons, or Linda Hadley to replace Floyd Langford.

MOTION: to reappoint Aquila Reed, Robert Theimer and Bill Ann Billings and appoint Linda Hadley

	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	Motion Carried		Motion Failed				Roll Call

OC3.

SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE 2008/09 BUDGET.

Greg Wilmore, Director of Finance stated that according to Section 62 of the City Charter, the City Council has to set the time and place for a Public Hearing on the 2008/09 Budget. The Council shall also cause to be published a notice of the time and place of the meeting, not less than seven days after the date of publication, at which the City Council will hold the public hearing. Staff recommends the regularly scheduled meeting of September 9, 2008, at 7 p.m. in the Council Chambers at City Hall, 10 North Robinson, Cleburne, TX. This ad will appear in the Times Review on Sunday, August 31, 2008.

MOTION: to approve as presented

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

****OPENED PUBLIC HEARING***

OC4.

HOLD A PUBLIC HEARING ON THE 2008 TAX RATE AND ANNOUNCE THE DATE, TIME, AND PLACE OF THE MEETING AT WHICH THE CITY COUNCIL WILL VOTE ON THE TAX RATE AS REQUIRED BY SECTION 5.05 OF THE TAX CODE, ALSO KNOWN AS "TRUTH-IN-TAXATION".

Greg Wilmore, Director of Finance stated that this is the second step in the Truth-in-Taxation process that will allow the Council to set the property tax rate above the effective tax rate. A Public Notice titled NOTICE OF PUBLIC HEARING ON TAX INCREASE was published on Sunday August 17, 2008. The Council will hold it's second public hearing for the 2008 Tax Rate at a special called meeting on September 2, 2008 at 7pm, City Hall, 10 North Robinson, Cleburne, TX. Staff recommends setting the tax rate at the regular council meeting on September 9, 2008 at 7pm in City Hall, 10 North Robinson, Cleburne, TX. This action would allow the City to set the property tax rate at any level above the effective rate of \$.58246. The proposed tax rate is \$.62/\$100 Valuation and the rollback rate is \$.620715/\$100 Valuation.

Speakers: none

****CLOSED PUBLIC HEARING***

MOTION: to approve as presented

	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>

CITIZENS COMMENTS

Bill Miller spoke on the need for better lighting in the County Parking Lot for downtown evening activities.

ADJOURNED AT: 8:17 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: September 9, 2008

CITY OF CLEBURNE

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary