



**REGULAR CITY COUNCIL MEETING MINUTES**  
**OCTOBER 14, 2008**  
**7:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON**

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 7:00 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
- ✓ 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 Rev. Joe Ardy, Ascension Lutheran Church

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Proclamations:

Community Planning Month, October 2008

Bluebonnet Resource Conservation and Development Week, October 12-18, 2008

**V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL**

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**CONSENT ITEMS**

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**C1. MINUTES**

**APPROVAL OF MINUTES FOR THE SEPTEMBER 23, 2008 REGULAR COUNCIL MEETING.**

**BQ1.**

**AUTHORIZE PURCHASE OF FOUR CLETRAN BUSES THROUGH TEXAS BUS SALES INC IN THE AMOUNT OF \$231,890.**

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

BRIEF: The Texas Comptroller of Public Accounts recently expended the Texas Bus Sales, Inc. contract for 60 days. The original contract was in 2006, which the City was a participant. Through this group bid, the City continues to utilize economies of scale to achieve significant savings for the taxpayers. Funding for these buses is provided through a grant from TxDOT, and Transportation Development Credits have been issued to cover the City's matching portion of the grant.

**BQ2.**

**AUTHORIZE PURCHASE OF FIVE (5) FULLY EQUIPED DODGE CHARGER POLICE CRUISERS FROM DALLAS DODGE IN THE AMOUNT OF \$214,900.00.**

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

BRIEF: Four of these units will be for patrol. The quote for a fully equipped patrol unit was received from Dallas Dodge in the amount of \$43,100.00. One of these units will be used for traffic and the quote for this fully equipped unit was \$42,500.00. 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.

**BQ3.**

**AWARD BID FOR CLUB HOUSE KITCHEN EQUIPMENT TO GST MANUFACTURING, LTD IN THE AMOUNT OF \$32,500.00.**

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

BRIEF: This equipment includes the walk-in cooler/freezer and vent-a-hoods for the Cleburne Links Club House restaurant. This quote includes all equipment and installation. GST has provided equipment and services to the city in the past satisfactorily.

**RS1.**

**RS10-2008-58**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH E-WASTE COLLECTIONS FOR ELECTRONICS RECYCLING EVENT TO BE HELD ON SATURDAY, NOVEMBER 8, 2008.**

Person presenting this item: David Esquivel, Director of Public Works

BRIEF: After reviewing professional capabilities, cost proposals, availability and references, E-Waste Collections can provide the services needed at a reasonable rate - \$300 for transportation and staffing, computer and small electronics recycling without cost and television recycling on a per unit basis of \$20.

**RS2. RS10-2008-59**

**A RESOLUTION ACCEPTING A POPULATION ESTIMATE OF 30,272 FOR THE CITY OF CLEBURNE PURSUANT TO DATA PROVIDED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS.**

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

BRIEF: The North Central Texas Council of Governments' Annual Population and Housing Estimates has been released based on the housing unit completions during 2007. The final 2008 population estimate was reported as 30.272.

**OR1. OR10-2008-65**

**AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009, BY ALLOCATING \$39,000.00 FROM FUND BALANCE TO PARKS AND RECREATION PROFESSIONAL SERVICES, 0153-8664.**

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

BRIEF: These funds were allocated during the 2007-2008 budget year to provide services for the Lake Pat Cleburne Master Plan and the Parks and Recreation Master Plan. These projects were not completed before the end of the fiscal year, thereby creating the need to reallocate the funding.

**OR2. OR10-2008-66**

**AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009, BY ALLOCATING \$33,130.00 FROM FUND BALANCE TO BUILDING MAINTENANCE M&R STRUCTURES 0161-8419.**

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

BRIEF: These funds were allocated during the 2007-2008 budget year to provide rehabilitation to the City Hall restrooms. This project was not completed before the end of the fiscal year, thereby creating the need to reallocate the funding.

**OC1.**

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

Person presenting this item: Greg Wilmore, Director of Finance

**OC2.**

**APPROVE FINAL PLAT OF LOTS 1 THROUGH 7, BLOCK 1, JOHNSON HEIGHTS**

**(LOCATED WITHIN THE CITY'S ETJ AT THE SOUTHEAST INTERSECTION OF COUNTY ROAD 1018 AND COUNTY ROAD 902, BEING 9.445 ACRES OF THE JAMES J. WARE SURVEY), AS REQUESTED BY HENRY H. JOHNSON, 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 September 8, 2008. Notice was given as required by State law. No objections have been received. 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 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>

**RESOLUTIONS**

**RS3. RS10-2008-60**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH IDEALS ARCHITECTURAL DESIGNS FOR ARCHITECTURAL SERVICES FOR THE CLEBURNE CHAMBER OF COMMERCE FACILITY.**

Chester Nolen, City Manager stated that in conjunction with the Civic/Convention Center project, the Chamber of Commerce facility is going to be demolished and a new one built in its place. Louis Speyer, Jr. with Ideals Architectural Designs has submitted a proposal for this project in the amount of \$79,500.00.

**MOTION: to approve at an amount not to exceed \$79,500.00**

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

**RS4. RS10-2008-61**

**A RESOLUTION FINDING THAT ONCOR ELECTRIC COMPANY'S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY.**

Greg Wilmore, Director of Finance stated that on July 22, 2008 Council approved a suspension resolution that would allow our Oncor Cities Steering Committee (OCSC or Steering Committee) time to study this rate increase. Background is as follows; earlier this summer Oncor Electric Delivery ("Oncor" or "Company") filed a rate case with all cities in its service area to raise transmission and distribution rates by \$275 million annually. The Steering Committee members with original jurisdiction (the City of Cleburne has original jurisdiction) suspended the August 8th effective date to allow for more time to study the filing. The OCSC Executive Committee met by conference call on September 25th to discuss the consultants' preliminary findings and to develop a recommendation for action for all OCSC members with original jurisdiction. Based upon the information received from the consultants that Oncor's requested rate increase cannot be supported by evidence, the Executive Committee recommended that all OCSC members take action to DENY the requested increase. For original jurisdiction cities - denial must take place by November 6, 2008.

Unless the city takes action to deny Oncor's request by November 6th or receives an extension from the Company, the rate increase can be charged to all customers within the city's jurisdiction. Parties are still conducting discovery regarding Oncor's request to increase rates. OCSC testimony is scheduled to be filed on November 26th. Based upon preliminary findings by Steering Committee consultants, we expect to substantially reduce Oncor's requested increase and may be able to substantiate a recommendation for a rate decrease. The Steering Committee and the Company have scheduled several meetings later this month to discuss the potential for settlement. The OCSC settlement committee members will be involved and I will notify you regarding any substantial progress. If the case is not settled, the hearing is scheduled to begin January 13, 2009 and last for three weeks. Final action by the Commission is expected before the end of June, 2009.

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

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**ORDINANCES**

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**OR3. OR10-2008-67**

**AN ORDINANCE EXTENDING THE TERM OF AN ORDINANCE GRANTING A FRANCHISE TO ONCOR ELECTRIC DELIVERY COMPANY, A SUCCESSOR IN**

**INTEREST TO TXU ELECTRIC DELIVERY.**

Greg Wilmore, Director of Finance stated that this ordinance was originally adopted on December 13, 1983 with TU Electric. Amendments have been made after that date. We are working to renew our franchise agreement with Oncor Electric Delivery Company. Wade Adkins and Debra Drayovitch with the Taylor, Olson, Adkins, Sralla & Elam, L.L.P. law firm have been working on this renewal for some time. According to Ms. Drayovitch, there are only two or three issues to resolve and that could be accomplished before Christmas. Staff is hopeful to bring the final document for your consideration by that time frame.

**MOTION: to approve extension to June 30, 2009**

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

**\*OPENED PUBLIC HEARING**

**OR4. OR10-2008-68**

**AN ORDINANCE REZONING 1300 AND 1302 SOUTH HYDE PARK BOULEVARD FROM C2 GENERAL BUSINESS DISTRICT TO SF-4 SINGLE FAMILY DWELLING DISTRICT, AS REQUESTED BY DARRELL RAY TARVER AND DARRELL KEVIN TARVER, REPRESENTED BY ELIZABETH PALERMO-TARVER.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission (P&Z) considered this request at its meeting of September 8, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. The Comprehensive Land Use Plan calls for this area to be low density residential use. We have received no inquiries or objections. P&Z approved the rezoning of this property by a vote of 6-0.

Speakers: None

**\*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	X				Denied
Warren			X				Withdrawn
Reynolds			X				Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**OR5. WITHDRAWN**  
AN ORDINANCE REZONING 1602, 1604, 1606 AND 1608 NORTH GRANBURY FROM SF-4 SINGLE FAMILY DWELLING DISTRICT TO MF MULTIPLE FAMILY DWELLING DISTRICT, AS REQUESTED BY WILLA MAE PORTER, PETE GOMEZ AND BETTY GOMEZ, REPRESENTED BY MARK WILLIAMS.

*\*OPENED PUBLIC HEARING*

**OR6. OR10-2008-69**  
AN ORDINANCE AMENDING CHAPTER 155, ZONING ORDINANCE, BY ADDING A NEW PARAGRAPH (E) TO SECTION 155.41 (SF4/MH-SINGLE FAMILY DWELLING DISTRICT AND/OR HUD CODE MANUFACTURED HOUSING) TO REQUIRE THE MAIN STRUCTURE ON A LOT IN THE SF4/MH DISTRICT TO BE PLACED SO THAT THE PRINCIPAL ENTRANCE FACES THE FRONT YARD.

Donna Jackson, Director of Development Services stated that at the request of Council on July 22, 2008, this Ordinance was considered at the September 8, 2008 Planning & Zoning Commission meeting. Notice was given as required by State law. We have received no inquiries or objections. P&Z felt that this Ordinance did not resolve the problem because it would be easy to remove a window and install a door in order to meet this Ordinance, that it only addressed property in the SF-4/MH District and not housing in the rest of the City and the City Attorney's statement that he was unaware of any other City in this area that had such an ordinance. P&Z recommended **denial** of this Ordinance by a vote of 6-0. It will take a three-fourths vote of the City Council to overturn P&Z's recommendation for denial.

Speakers: None

*\*CLOSED PUBLIC HEARING*

**MOTION: to approve with amendment that primary entrance, as originally manufactured, face the street**

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

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**OTHER COUNCIL MATTERS**

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**OC3.**  
RATIFY APPOINTMENT OF ASSISTANT CITY MANAGER.

Chester Nolen, City Manager stated that pursuant to Section 41 of the Cleburne City Charter, the City Manager requests Council's ratification to appoint an Assistant City Manager. He requested that Council ratify his appointment of Rick Holden.

**MOTION: to approve Rick Holden as Assistant City Manager**

	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>

**OC4.**

**APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Chester Nolen, City Manager stated that the first terms of Randy McKinney and Jim Abt expired in September 2008. Both are unable to serve a second term due to schedule conflicts. Staff requests appointments of two new members to fill these vacancies. Lori Kretz has submitted an application and is willing to serve.

**MOTION: to appoint Lori Kretz and take up second appointment at next meeting**

	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>

**OC5.**

**APPOINTMENT OF COUNCIL REPRESENTATIVE TO RAILROAD MUSEUM ADVISORY COMMITTEE, AS REQUESTED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Chester Nolen, City Manager stated that at their meeting of September 18<sup>th</sup>, the 4B Board of Directors established a Railroad Museum Advisory Committee to be made up of two 4B Board members, one City Council member, and two Cleburne residents. The Board desires to have a member of Council serve on the Committee.

**MOTION: to appoint Bob Force**

	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>

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**CITIZENS COMMENTS**

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Josh Oakley, 601 Westmeadow, spoke on traffic issues in the Westmeadow Addition and requested speed humps or rumble strips and replacement and/or addition of stop signs.  
 Scott Fowler, 1618 Turtledove, also spoke on traffic issues in the Westmeadow Addition.

**ADJOURNED AT: 7:32 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: October 28, 2008**

**CITY OF CLEBURNE**

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

**ATTEST:**

  
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 Shelly Doty, City Secretary