



# City of Cleburne

## REGULAR CITY COUNCIL MEETING MINUTES

NOVEMBER 27, 2007

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
- ✓ Sonny Russell, 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 Adkins, City Attorney

#### Division Directors:

- ✓ Jerry Cash, Economic Development
- ✓ Mike Claunch, Public Services
- X Bonita Hall, Human Resources
- X Clint Ishmael, Fire Services
- ✓ Donna Jackson, Development Services
- X Terry Powell, Police Services
- ✓ Max Robertson, Parks & Recreation
- ✓ Russell Schreiber, Public Works
- ✓ Greg Wilmore, Finance

#### Department Heads:

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

#### Media:

- ✓ Matt Smith, Times-Review
  - ✓ Teresa Blackwell, Cleburne Eagle
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### II. INVOCATION by Associate Pastor Eddy Carrell, Calvary Baptist Church

### III. PLEDGE OF ALLEGIANCE

### IV. CEREMONIAL MATTERS

### V. CITY SECRETARY READ 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 NOVEMBER 13, 2007 REGULAR COUNCIL MEETING AND THE NOVEMBER 19, 2007 SPECIAL COUNCIL MEETING.**

**RS1. RS11-2007-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING CITY MANAGER TO NEGOTIATE AND EXECUTE A AGREEMENT WITH CHILDRESS ENGINEERS FOR PROFESSIONAL SERVICES TO CONSTRUCT A 300,000 GALLON ELEVATED BACKWASH TANK; PROVIDING AN EFFECTIVE DATE.**

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

**BRIEF:** The existing 50,000 gallon elevated backwash tank and foundation needs to be removed and replaced with a 300,000 gallon elevated backwash tank. This agreement will provide engineering services for construction and testing of the tank, SCADA controls, grading, fencing and etc. Costs are not to exceed \$95,000.00

**RS2. RS11-2007-59**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS ACKNOWLEDGING THE EQUITY DEFICIT INDICATED IN THE FY 2005-06 HOUSING AUDIT; PROVIDING AN EFFECTIVE DATE.**

Person presenting this item: Adam Miles, Assistant City Manager

**BRIEF:** The City of Cleburne receives administrative funds reimbursement based on parameters set by HUD. The dollar amount of federal assistance to qualifying families determines the administrative costs that are reimbursed. Each year the City establishes a budgeted amount that is expected to be recouped from HUD. Over many years of operating, this budgeted amount and the actual amount has varied. The 2006 annual audit showed that there is an equity deficit of \$58,627. In other words, over the course of several years the City of Cleburne has expended \$58,627 more dollars to operate the Housing Agency than what has been reimbursed by HUD. At this time, because of the plan of action adopted by the Housing and Finance Departments, the deficit no longer exists. The end of FY 2006-07 un-audited financial report indicates that this fund is now \$57,412 in the positive and there is no longer any deficit.

**OR1. OR11-2007-65**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING CHAPTER 74: TRAFFIC SCHEDULES, SCHEDULE 1. SCHOOL ZONES, ACCEPTING RECOMMENDATIONS OF THE TRAFFIC SAFETY COORDINATOR, ADDING A NEW SCHOOL ZONE ON HYDE PARK BOULEVARD FROM COUNTRY CLUB ROAD TO MURRY DRIVE; AND PURSUANT TO CHAPTER 70: TRAFFIC CONTROL DEVICES, PLACING A STOP SIGN ON HYDE PARK BOULEVARD AT WEST HENDERSON STREET; PROVIDING FOR PENALTY OF NOT LESS THAN \$50.00 AND NOT MORE THAN \$500.00 FOR EACH OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING**

**FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.**

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

**BRIEF:** A 90 day study has been conducted to establish a school zone on Hyde Park Blvd. from Country Club Road to Murry Drive and to install a stop sign on North Hyde Park Blvd. at West Henderson.

**OC1.**

**AUTHORIZE THE SALE OF 1992 FORD F800 FOR ONLINE AUCTION.**

Person presenting this item: Adam Miles, Assistant City Manager

**BRIEF:** This item is being presented to authorize the sale of this vehicle on the online auction. Due to the age of the vehicle and size of the cab this vehicle is not a front line engine and currently is not used as back-up. The vehicle in question is a 1992 Ford F800 Fire truck that was primarily used for brush fires.

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

**RESOLUTIONS**

**RS3.**

**RS11-2007-60**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LAND LEASE AGREEMENT WITH PANTHER AVIATION TO LEASE TRACT #200 AT THE MUNICIPAL AIRPORT; PROVIDING AN EFFECTIVE DATE.**

Mike Claunch, Director of Public Services stated that Panther Aviation is requesting to lease Tract #200 at the airport. Their previous land lease has expired. This lease is a 15 year lease with a 10 year option to renew. The lease price is \$0.10 per square foot resulting in an annual lease rate of \$1,162.50. The lease stipulates that the existing structure meet or exceed existing building and fire codes before being occupied.

**MOTION: to approve at a rate of \$0.11 per square foot**

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

**RS4. RS11-2007-61**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LAND LEASE AGREEMENT WITH PANTHER AVIATION TO LEASE TRACT #600 AT THE MUNICIPAL AIRPORT; PROVIDING AN EFFECTIVE DATE.**

Mike Claunch, Director of Public Services stated that Panther Aviation is requesting to lease Tract #600 at the airport. Their previous land lease has expired. This lease is a 15 year lease with a 10 year option to renew. The lease price is \$0.10 per square foot resulting in an annual lease rate of \$1,237.50. This Lease Agreement is contingent upon Lessee removing all existing structures on Tract #600 and constructing a new 8 unit T-hangar facility and that all improvements on this tract of land shall meet existing building and fire codes. If construction is not fully completed, as determined by the City, within One Hundred and Eighty (180) days from the signing date of this Lease Agreement, this Lease Agreement will be terminated unless other arrangements are approved by the City.

**MOTION: to approve at a rate of \$0.11 per square foot**

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

**RS5. RS11-2007-62**

**A RESOLUTION OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING THE CITY ATTORNEY TO BRING A CONDEMNATION ACTION FOR THE PURPOSE OF OBTAINING A PERMANENT UTILITY EASEMENT.**

Russell Schreiber, Director of Public Works stated that this action would allow for an easement for the Hal Industrial Sewer project.

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

**OTHER COUNCIL MATTERS**

**OPENED PUBLIC HEARING**

**OC2.**

**APPROVE FINAL PLAT OF LOTS 1-26, BLOCK 1, WINCHESTER ADDITION NO. 7, AN ADDITION TO THE CITY OF CLEBURNE, BEING 7.941 ACRES OF THE JOSHUA SANDERS SURVEY A-775, JOHNSON COUNTY, TEXAS, (LOCATED SOUTH OF COUNTRY CLUB ROAD, AND EAST OF SOUTH NOLAN RIVER ROAD) AS RECORDED IN VOLUME 1751, PAGE 234 OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS, REQUESTED BY GM&W DEVELOPMENT LLP, REPRESENTED BY JOHN WHITEHORN.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of October 22, 2007. Notice was given as required by State law and the property owners within 200 feet were notified. This plat was considered previously at the March 26, 2007 and was withdrawn from consideration at the September 24, 2007, Planning & Zoning Commission Meeting. The applicant has submitted a drainage study plan which has been approved by the City Engineer, David Esquivel. Mr. Esquivel has invited the homeowners within 200 feet of the property to review the proposed drainage plan and the revised plat. After their review, we have received no objections or protests to this plat. The Commission recommended approval of the final plat by a vote of 6-0.

Speakers: John Whitehorn, proponent, answered questions from the Council regarding drainage

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

**OC3.****APPOINTMENTS TO THE PARKS & RECREATION BOARD.**

Max Robertson, Director of Parks & Recreation stated that Lori Pedigo has completed her second term on the board and is not eligible for reappointment. Nanette Yanez has missed the last four meetings and has been unresponsive to our attempts to make contact. The Parks and Recreation Board met on November 5, 2007 and recommends Barbara Robinson and Mary Ann Wheatley as possible replacements for these two positions. Both have expressed willingness to serve if appointed.

**MOTION: to remove Nanette Yanez and appoint Barbara Robinson and Mary Ann Wheatley**

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

**OC4.****APPOINTMENT TO THE 4B ECONOMIC DEVELOPMENT BOARD.**

Adam Miles, Assistant City Manager stated that due to continued scheduling conflicts Mark Banton has resigned from the 4B Board of Directors. Staff requests Council fill the vacancy left by Mr. Banton.

Speakers: Kirklin Cross stated that he is willing to serve

**MOTION: to appoint Jim Abt to serve the remainder of Mr. Banton's term (September 2008)**

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

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**CITIZENS COMMENTS**

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Bill Miller spoke on the interest and principle paid out since the Mayor's took office.

**Adjourned at:** 7:25 p.m.

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: December 11, 2007**

**CITY OF CLEBURNE**

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**Ted Reynolds, Mayor**

**ATTEST:**

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**Shelly Doty, City Secretary**