

ELECTION PROCEEDINGS

OC1.

OFFICIAL CANVASS BY THE CITY COUNCIL OF THE ELECTION RETURNS FOR THE GENERAL ELECTION HELD ON MAY 10, 2008.

Shelly Doty, City Secretary stated that this meeting of the governing body of the City of Cleburne shall serve as the official canvass of votes for the General Election held May 10, 2008, for all City Districts. The Mayor shall appoint two (2) Councilmembers and the City Secretary to review precinct returns for discrepancies between the Mayors sealed precinct returns in Envelope #1 and the City Secretary's tabulations from Envelope #2. The Mayor shall then deliver the precinct returns sealed in Envelope #1 to the canvassing authority. The Authority will then adjourn to the Conference Room for their review and report back to the Council with their determination.

Council reconvened and Canvassing Authority reported no discrepancies

RS1.

RS05-2008-22

A RESOLUTION DECLARING THE RESULTS OF THE MAY 10, 2008, GENERAL ELECTION IN AND FOR THE CITY OF CLEBURNE, TEXAS.

Shelly Doty, City Secretary stated that upon approval of this Resolution, the City Secretary shall administer the Statement of Elected Officer and the Official Oath of Office to the newly elected Councilmembers and present them with a Certificate of Election. The new Councilmembers shall then replace the outgoing Councilmembers on the podium for the remainder of the meeting.

MOTION: to approve as presented

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Warren			X				Withdrawn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

- 1) Administration of Statements of Elected Officer
- 2) Administration of Oaths of Office
- 3) Presentation of Certificates of Election
- 4) Assume Position as Councilmembers

OC2.

ELECTION OF A MAYOR PRO TEM FOR THE CITY OF CLEBURNE.

Shelly Doty, City Secretary stated that Section 37 of the Cleburne City Charter states that the Council shall elect a Mayor Pro Tem from their members who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy should occur, shall become Mayor until the next regular election.

MOTION: to elect Kyle Boles

	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Warren		X	X				Withdrawn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				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

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 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 APRIL 22, 2008 REGULAR COUNCIL MEETING AND THE MAY 6, 2008 SPECIAL COUNCIL MEETING.

RS2. RS05-2008-23

A RESOLUTION AUTHORIZING THE CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY.

Person presenting this item: Chester Nolen, City Manager

BRIEF: The Executive Committee of the Steering Committee of Cities Served by Oncor approved the 2008 assessment for Steering Committee Membership. The organization is anticipating a busy year for electric utility matters. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2008 is a per capita fee of \$.10 based upon the population figures for each city shown in the latest TML Directory of City Officials. Our assessment is for a population estimate of 29,689 or \$2,968.90.

RS3. RS05-2008-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR ACTUARIAL SERVICES.

Person presenting this item: Chester Nolen, City Manager

BRIEF: The Government Accounting Standards Board (GASB) established standards in 1994 for how public employee pension plans should account for and report on pension benefits. This standard did not include other postemployment benefits (OPEB) and therefore GASB issued Statements No. 43 and 45. All local governments now have to account for their long-term financial obligations and commitments related to OPEB. Consequently, the readers of financial statements have incomplete information with which to assess the cost of public services and to analyze the financial position and long-run financial health of a government. This agreement will allow us to use the North Central Texas Council of Governments Request for Proposal in order to obtain the needed information for our financial report. As a tier II city, we have to implement this requirement by the September 30, 2009 fiscal year.

RS4. RS05-2008-25

A RESOLUTION AUTHORIZING EXPENDITURE OF \$373,610 FOR THE HULEN DAM PROJECT, AS REQUESTED BY 4B ECONOMIC DEVELOPMENT CORPORATION.

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

BRIEF: Ark Contracting Services, LLC submitted the lowest responsible bid of \$373,610. 4B approved the bid at the May 6, 2008 regularly scheduled meeting.

RS5. RS05-2008-26

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NUMBER ONE TO THE CONTRACT WITH WMH CONSTRUCTION FOR TRINITY STREET PAVING AND DRAINAGE IMPROVEMENTS.

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

BRIEF: On February 26, 2008 Council approved a contract with WMH Construction to perform paving and drainage improvements on Trinity Street. Existing utilities must be lowered to allow for street and drainage improvements. Lowering of the utilities will result in additional expenses for materials and labor. Total additional expense for this change order is \$29,890.00, making the total contract amount \$319,679.00.

OC3.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF APRIL 2008.

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				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

RESOLUTIONS

RS6. RS05-2008-27

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FINALIZE THE CONTRACT WITH REEVES CONSTRUCTION SERVICES, INC., CONSTRUCTION MANAGER AT RISK, TO ACCEPT A GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF THE GOLF COURSE CLUBHOUSE, PARKING LOT AND RELATED APPURTENANCES IN THE AMOUNT OF \$1,802,225.00.

Max Robertson, Director of Parks and Recreation stated that as presented at the April 22, 2008 Council meeting, Reeves Construction Services Inc. submitted a guaranteed maximum price of \$1,802,225 for the construction of the golf course clubhouse, parking lot and related items. Reeves Construction Services Inc. has been working in a coordinated manner with the Clubhouse architect since the design process began to interface design with the best available construction methods and materials. This has all been in the face of a rapidly inflationary construction environment that shows no signs of easing. In this process, Reeves has gathered pricing in order to establish a guaranteed maximum price that is being presented for Council's consideration and funding. It is my recommendation that Council approve this item.

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			Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

****RS6. Speaker: Max Marsh spoke against this item***

MOTION: to reconsider motion to approve after speaker

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

RS7. RS05-2008-28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CLOSEOUT THE ORIGINAL CONTRACT WITH LANDSCAPES UNLIMITED, LCC IN CONNECTION WITH THE CONSTRUCTION OF THE CLEBURNE LINKS GOLF COURSE.

Max Robertson, Director of Parks and Recreation stated that the City of Cleburne entered into a contract with Landscapes Unlimited, LCC in October 2005 for the construction of the Cleburne Golf Links. The actual construction start date was delayed for one year after the bid award. Because of record precipitation, inflation, site issues and related changes, it is recommended that the City Manager be authorized to pay additions to the contract in the amount of \$384,859.89. See attached memorandum for more in-depth information.

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				Tabled	
								Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>	

ORDINANCES

OR1. OR05-2008-29

AN ORDINANCE CONFIRMING THE RECOMMENDATION OF THE TRAFFIC SAFETY COORDINATOR TO INSTALL STOP SIGNS AT ROSE AND BUFFALO STREET AND AT ROSE AND MEADOWS STREET.

Russell Schreiber, Director of Public Works stated that a traffic survey was conducted regarding traffic control devices at the following intersections; Rose & Buffalo, and Rose & Meadows. Results of the survey showed that these areas are unduly hazardous. The Traffic Safety Coordinator recommends that stop signs be installed at these locations to establish right-of-way.

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					Tabled
								Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OPENED PUBLIC HEARING

OR2. OR05-2008-30

AN ORDINANCE ANNEXING 17.083 ACRES OF THE T.F. EDWARDS SURVEY, ABSTRACT 244, LOCATED EAST AND SOUTH OF THE INTERSECTION OF CR 1112 AND STATE HIGHWAY 174 AND SOUTH OF BARNETT DRIVE, AS REQUESTED BY VOLUNTARY PETITION OF CLEBURNE REAL ESTATE HOLDINGS, L.P., THE PROPERTY OWNER, REPRESENTED BY CHRIS FERRIS AND ZONING THE NEWLY ANNEXED PROPERTY AS A (AGRICULTURAL DISTRICT).

Donna Jackson, Director of Development Services stated that this item has been prepared to consider voluntary annexation of a 17.083 acre tract of land in accordance with Section 43.028 et. seq. of the Local Government Code. This land meets the requirements for consideration under this section of the State Law. This property adjoins the property annexed under OR05-2007-27. On the effective date of the ordinance the area becomes a part of the municipality. Cleburne Real Estate Holdings, LP owns this property and proposes to develop an industrial park.

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					Tabled
								Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OPENED PUBLIC HEARING

OR3. OR05-2008-31

AN ORDINANCE AMENDING THE MASTER THOROUGHFARE PLAN AND RECOMMENDING APPROVAL OF BROCHURE TEXT REFLECTING SUCH

AMENDMENTS.

Donna Jackson, Director of Development Services stated that this item was considered by the Planning & Zoning Commission at its April 14, 2008 meeting. Notice was given as required by State law. The P&Z recommended approval of the adoption of the City of Cleburne's Master Thoroughfare Plan Update by a vote of 5-0.

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				Approved as amended
Force		X	X				Denied
Warren	X		X				Withdrawn
Reynolds			X				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

OPENED PUBLIC HEARING

OR4. DENIED

AN ORDINANCE REZONING 202 WILLIAMS (BEING PART OF LOT 1, BLOCK 9, S.G. GRAHAM'S & WILLIAMS ADDITION FROM C2 (GENERAL BUSINESS DISTRICT) TO C3 (COMMERCIAL DISTRICT), AS REQUESTED BY EVELYN GUSTAFSON.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting on April 14, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have received no inquiries or objections. P&Z recommended approval of C3/SUP (Commercial District with a Specific Use Permit) with the stipulations that (1) a minimum six foot privacy fence be installed; (2) a maximum of three cars be stored behind the privacy fence and (3) should the property cease to be used for auto painting/body shop for a period of six months then the City may initiate a rezoning back to C2 (Commercial District). The motion carried by a vote of 4-1 with Chairman Chandler voting in opposition.

Speakers: Larry Conley, proponent, spoke in favor of this item

CLOSED PUBLIC HEARING

MOTION: to deny

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly							Approved as presented
Boles							Approved as amended
Force	X						Denied

Warren								Withdrawn
Reynolds								Tabled
								Postponed until:
	<i>Motion Carried</i>	X	<i>Motion Failed</i>					<i>Roll Call</i>

***Motion failed for lack of second**

MOTION: to approve

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

OR5. OR05-2008-32
AN ORDINANCE AMENDING THE CITY OF CLEBURNE BUDGET FOR FISCAL YEAR 2007-2008, BY ALLOCATING \$2,333,788.00 FROM FUND 21 FUND BALANCE TO FUND 52, ACCOUNT 8820, CAPITAL - STRUCTURES.

Kim Galvin, Budget and Purchasing Manager stated that these funds will provide the funding for the Golf Course Clubhouse. This project includes the clubhouse structure and all other additional expenses. These additional expenses include all utility hook-ups, propane tank, TXU delivery, entry way with sign, landscaping, irrigation, counters & accessories, kitchen furnishings, cooking accessories, dishes & serving accessories, trash receptacles, indoor & outdoor furniture, office furniture & equipment, point of sale system, AED, weather monitor, and a 10% contingency. As of May 8, 2008, assuming all budgeted items have been expensed, Fund 21 has a balance of \$2,512,776.

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				Tabled
								Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				X	<i>Roll Call</i>

OTHER COUNCIL MATTERS

OC4.

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

Person presenting this item: Chester Nolen, City Manager

MOTION: to accept the City Manager’s appointment of Rick Holden as Director of Public Services

	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				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

OC5. WITHDRAWN

APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

OC6.

APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Donna Jackson, Director of Development Services stated that since Robert Kelly has become Councilman for Single Member District One, ZBA will need a replacement to be appointed effective on the date he takes office (May 13, 2008). Vance Castles, former Planning & Zoning Commission Chairman, has submitted an application and is willing to serve if appointed. The ZBA Rules of Procedure state "Preference will be given, where feasible, to appointees who have previously served as a Planning and Zoning Commission, City Council, or Zoning Board of Adjustment member".

MOTION: to appoint Vance Castles

	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				Tabled
							Postponed until:
X	Motion Carried		Motion Failed				Roll Call

CITIZENS COMMENTS

None

ADJOURNED AT: 8:31 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: May 27, 2008

CITY OF CLEBURNE

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary