



REGULAR CITY COUNCIL MEETING MINUTES
JUNE 10, 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:

- X Chester Nolen, City Manager
- ✓ Adam Miles, Assistant City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Kathleen Wells, City Attorney

Division Directors:

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

Department Heads:

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

Media:

- ✓ Matt Smith, Times-Review
 - X Teresa Blackwell, Cleburne Eagle
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II. INVOCATION by Rev. John Warren, Bethel Salter AME

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 MAY 27, 2008 REGULAR COUNCIL MEETING.

BQ1.

AWARD CONTRACT FOR THE 2008 SIDEWALK IMPROVEMENT PROGRAM TO

WMH CONSTRUCTION, INC. IN THE AMOUNT OF \$166,596.

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

BRIEF: Five bids were received and opened on June 3, 2008 for the 2008 Sidewalk Improvement Program. This project includes sidewalks on Rose, Phillips, Douglas, Woodard, Featherstone, and Hyde Park. The low bid submitted by WMH Construction, Inc. meets all minimum specifications. WMH Construction, Inc. has worked with the City on many projects and has always performed satisfactorily.

RS1. RS06-2008-34

A RESOLUTION AUTHORIZING SUBMISSION OF THE STREAMLINED PHA ANNUAL PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Person presenting this item: Adam Miles, Assistant City Manager

BRIEF: Section 8 agencies with tenant-based rental assistance programs are required by Federal regulations to annually submit to the U.S. Department of Housing and Urban Development, (hereinafter referred to as HUD), form 50075, Public Housing Agency Annual Plan and Form 50076, Certification of Compliance together with the Board Resolution approving such submission, in order that HUD may monitor the performance of such agency. The City Council serves as the Board of Commissioners of the Housing Agency since it is a division of the Community Development Program of the City of Cleburne.

RS2. RS06-2008-35

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE RENEWAL OF THE CONTRACT WITH E-Z GO TEXTRON TO PROVIDE GOLF CARTS AND UTILITY VEHICLES FOR THE MUNICIPAL GOLF COURSE.

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

BRIEF: In October, 2006 the Council passed a resolution agreeing to renew the contract with E-Z Go Textron. At that time, the company agreed to forego the \$15,375.00 balance on the then current contract. Due to the delayed opening of the course the contract signing has been delayed. In order to retain the current contract pricing and to avoid the significant increase in the next TX-MAS contract, staff recommends a renewal of the contract. This new contract will be for four years, and will provide 80 golf carts, a refresher cart and a range vehicle. This contract would begin upon delivery of the equipment, after the completion of construction, at a time and date decided upon by the City Manager.

RS3. RS06-2008-36

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT FOR WASTE DISPOSAL SERVICES WITH THE CITY OF BURLESON.

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

BRIEF: The City of Burleson Waste Disposal Facility needs to repair their conveyor system. During these repairs it is necessary for them to handle their solid waste in a different manner. This interlocal agreement will allow the City of Burleson to transport their non-hazardous solid waste to the City of Cleburne's Transfer Station to be combined with our solid waste and disposed of through our normal disposal process. Disposal at the transfer station will allow the City of Burleson a shorter distance to haul their solid waste which will benefit them during the repair of their facility. Disposal fees will be \$32/ton. The agreement provides for adjustment of the fees as necessary.

OR1. OR06-2008-35

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150 SECTION 150:041 (B) (1) OF THE CITY OF CLEBURNE BUILDING REGULATIONS RELATING TO PRESSURE RELIEF VALVES IN THE 2003 INTERNATIONAL PLUMBING CODE.

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

BRIEF: Due to the high cost of copper and the increase of theft of copper tubing, the International Plumbing Code now allows the use of chlorinated polyvinyl chloride (CPVC) plastic pipe for pressure relief valves. Staff requests this amendment be made to allow its usage.

OR2. REMOVED FROM CONSENT

AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155:37 PRIMARY DISTRICT REGULATIONS OF THE CITY OF CLEBURNE CODE OF ORDINANCES TO ADD SECTION (J) FORM BOARD REQUIREMENTS.

OC1.

APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF MAY 2008.

Person presenting this item: Greg Wilmore, Director of Finance

MOTION: to approve with the exception of OR2 to be considered separately

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

ITEMS PULLED FROM CONSENT AGENDA

OR2. POSTPONED
AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, SECTION 155:37 PRIMARY DISTRICT REGULATIONS OF THE CITY OF CLEBURNE CODE OF ORDINANCES TO ADD SECTION (J) FORM BOARD REQUIREMENTS.

Donna Jackson, Director of Development Services stated that Staff recommends amending Section 155.37 of the Subdivision Ordinance to require a homebuilder, contractor, or homeowner to submit a form board survey from a licensed surveyor to ensure setback and slab elevations will comply with the International Residential Code (IRC). The IRC states the form boards for elevations must be 14 inches above the curb, or above the highest point of the existing street where no curbs exists, or at the elevation required by the Engineer on the subdivision plat for the finished floor in floodplain areas. Previously, Building Inspectors have had to require contractors to move form boards during setback inspections in order to meet the ordinance requirements. This has been a costly mistake that could be avoided if the form board surveys were required prior to placing the form boards on the lot. The survey will also eliminate the mistake made by contractors where no survey pins or string lines are available. This will also assist in correctly installing plumbing lines before calling for inspections. The form board survey is currently required by lending institutions after the house is complete.

Speakers: Lisa Chandler spoke in favor of this item
 Eric Dumas spoke in favor of this item

MOTION: to postpone until next regular meeting for further study by Staff

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				Approved as presented
Boles			X				Approved as amended
Force	X		X				Denied
Warren			X				Withdrawn
Reynolds			X				X Postponed until: 6-24
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

ORDINANCES

OR3. OR06-2008-36
AN ORDINANCE AMENDING SECTION 156.11 – MULTI-TENANT SIGNS, APPROVING A SIGN VARIANCE PERMITTING AN APPEAL FOR THE HEIGHT OF A MULTI-TENANT SIGN FROM 25 FEET TO 30 FEET LOCATED AT 1470 W. HENDERSON; AS REQUESTED BY ROWLETT HARDWARE, REPRESENTED BY RIDGEWAY PLAZA.

Donna Jackson, Director of Development Services stated that this is a request for a multi-tenant sign located at 1470 W Henderson to exceed the recommended height of 25 feet to 30 feet. The Sign Ordinance Section 156.11 (A) (2) (a) states that the height of a multi-tenant pole sign shall be limited to 25 feet in height for a shopping center up to 50,000 square feet of leasable square feet. "In hearing

such appeals, the City Council...may consider whether or not the regulations and standards of this Ordinance will by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship." "Upon request of an interested party, the City Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section." "The decision of the City Council shall be final." According to Section 156.02 (I) Administrative Procedures, to reuse an existing pole sign an engineer's calculations to verify that the existing pole and foundation will structurally support the new sign. This has been provided.

Speakers: Rodney Rowlett, proponent

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

OR4. OR06-2008-37
AN ORDINANCE AMENDING SECTION 156.09 – PROHIBITED SIGNS, APPROVING A SIGN VARIANCE PERMITTING AN LED ELECTRONIC MESSAGE CENTER LOCATED AT 801 N. MAIN; AS REQUESTED BY JOSE AVALOS; REPRESENTED BY FOSTER ATKINS WITH SIGNCO.

Donna Jackson, Director of Development Services stated that this is a request for a LED electronic message center to be located at 801 N. Main. The Sign Ordinance, 156.09 Prohibited Signs states: The following signs are hereby expressly prohibited from installation, construction, repair, alteration or relocation within the City of Cleburne, except as otherwise permitted in this chapter: (M) Signs interfering with traffic. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size movement, shape, color, flashing, manner or intensity of illumination such sign may interfere with vehicular or pedestrian traffic. "In hearing such appeals, the City Council...may consider whether or not the regulations and standards of this Ordinance will by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship." "Upon request of an interested party, the City Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section." "The decision of the City Council shall be final." The sign is 19 feet from the signal and of the same height.

Speakers: Foster Atkins, representative of proponent stated that this would utilize the existing sign pole and frame with the addition of a 3x8 LED sign below.

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

****OPENED PUBLIC HEARING***

OR5. POSTPONED

AN ORDINANCE AMENDING CHAPTER 155, ZONING ORDINANCE, BY ADDING SUBSECTION (e) TO SECTION 155.17(D)(1) TO PROVIDE AUTHORITY FOR THE ZONING BOARD OF ADJUSTMENT TO WAIVE CERTAIN YARD AREA AND SETBACK REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.

Donna Jackson, Director of Development Services stated that this Ordinance was considered at the May 12, 2008 Planning & Zoning Commission meeting. Notice was given as required by State law. We have received inquiries but no formal objections. P&Z recommended denial of this Ordinance by a vote of 3-1 with Brannon Potts voting in opposition. It will take a three-fourths vote of the City Council to overturn the denial by P&Z.

Speakers: Lisa Chandler spoke against this item
 Scott Hearne spoke for this item

****CLOSED PUBLIC HEARING***

MOTION: to postpone to June 24th meeting for further study

	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	Postponed until: 6-24
X	<i>Motion Carried</i>			<i>Motion Failed</i>				<i>Roll Call</i>

****OPENED PUBLIC HEARING***

OR6. OR06-2008-38

AN ORDINANCE AMENDING CHAPTER 155, ZONING, BY CHANGING PARAGRAPH (H) IN SECTION 155.37 (A-AGRICULTURAL DISTRICT AND THE SF-1, SF-2, SF-3, SF-4, SF-4/MH, SF-A, D, T, AND M RESIDENTIAL DISTRICTS) TO PROVIDE REGULATIONS FOR PERMANENT AND/OR TEMPORARY ACCESSORY BUILDINGS AND STRUCTURES INCLUDING TEMPORARY PORTABLE ON-DEMAND STORAGE UNITS (PODS) AND FREIGHT CONTAINERS.

Donna Jackson, Director of Development Services stated that this Ordinance was considered at the

March 11, 2008, meeting of the City Council and was sent back to the Planning & Zoning Commission (P&Z) with suggestions regarding the size and type of construction requirements for accessory buildings . The Planning and Zoning Commission again considered this matter at its March 24, April 14, April 28 and May 12, 2008 meetings. Notice was given as required by State law. We have received inquiries but no formal objections. P&Z recommended approval by a vote of 4-0.

Speakers: Lisa Chandler spoke for the item

***CLOSED PUBLIC HEARING**

MOTION: to approve with the following amendments: Section 8 c. shall now read “complement the main structure” rather than “match the main structure”; and 9 a. shall now read “complement the main structure” rather than “match or be similar to the masonry material of the principal structure on the lot”.

	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:
X	Motion Carried		Motion Failed				Roll Call

CITIZENS COMMENTS

Adam Miles introduced Rick Holden, the new Director of Public Services.
 Mayor Reynolds asked everyone to keep the Nolen family in their prayers due to the death of Mr. Nolen’s father.

ADJOURNED AT: 7:55 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 24, 2008

CITY OF CLEBURNE

ATTEST:

Ted Reynolds, Mayor

Shelly Doty, City Secretary