



**REGULAR CITY COUNCIL MEETING MINUTES**  
**SEPTEMBER 9, 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
- ✓ 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
- X 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 Max Robertson, Director of Parks & Recreation**

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Special Presentations: Deputy Chief N.H. Laseman  
Sergeant Danny Rogers

**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 AUGUST 26, 2008 REGULAR COUNCIL MEETING**

**AND SEPTEMBER 2, 2008 SPECIAL COUNCIL MEETING.**

**OR1. OR09-2008-53  
AN ORDINANCE CHANGING THE ELECTION DAY POLLING LOCATION FOR SINGLE MEMBER DISTRICT FOUR FROM 810 E. WILLINGHAM STREET TO 100 MANSFIELD ROAD.**

Person presenting this item: Shelly Doty, City Secretary

**BRIEF:** The old Santa Fe Elementary cafeteria currently serves as the Election Day polling location for Single Member District 4. The cafeteria has served us well for many years, but we believe that the new Booker T. Washington Community Center will be better equipped to handle our polling place needs. The Community Center is more visible, more easily accessible and with separate meeting/classrooms, it will provide a more secure area for counting ballots. This change in voting location will not adversely affect voters’ rights. Information on the polling place change will be made available in the newspaper and on the City’s website before the May General Election.

**OC1.  
APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**OC2.  
APPROVE FINAL PLAT OF LOT 1, BLOCK 1, GRAYSON’S CREEK ESTATES (LOCATED ON CR 903 IN THE EXTRA-TERRITORIAL JURISDICTION AND BEING 1.267 ACRES OF THE HARRISON ADDISON SURVEY), REQUESTED BY ANDREW R. DONNELLY, TRUSTEE OF THE ANDREW R. DONNELLY REVOCABLE TRUST, 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 August 11, 2008. Notice was given as required by State law. We have received no objections. 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					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>

**ORDINANCES**

**\*OPENED PUBLIC HEARING**

**OR2. OR09-2008-54**

**AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE CITY OF CLEBURNE FOR THE FISCAL YEAR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009.**

Greg Wilmore, Director of Finance stated that Section 63 of the Charter states that we hold a public hearing for the ordinance approving the 2008/09 Budget. The ordinance will adopt the budget for the City of Cleburne. The City Manager and Staff presented the 2008/09 budget at special workshops on the following dates: August 7th and 14th. This hearing is for public input into the proposed 2008/09 Budget.

Speakers: Alden Nellis spoke against this item

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

**OR3. OR09-2008-55**

**AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE FOR FISCAL YEAR 2008-2009.**

Greg Wilmore, Director of Finance stated that this Ordinance will adopt the 2008 tax rate for the fiscal year 2008/09 budget year. The proposed rate is \$.62 per \$100 valuation. All required publications and requirements have been met according to the Open Meetings Act and Section 26.05(b) of the Property Tax Code. Copies of all notices published in the Times-Review are provided in the backup. This year's proposed tax rate exceeds the effective tax rate. The vote on the ordinance setting the tax rate must be a record vote. According to the tax code the following is language required in the motion setting this year's tax rate: "I move that property tax revenue be increased by the adoption of a tax rate of \$.62 per \$100 valuation."

**MOTION: that property tax revenue be increased by the adoption of a tax rate of \$.62 per \$100 valuation**

Motion	Second	Aye	No	Abstain	Absent	Result
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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>			X	<i>Roll Call</i>

**OR4. OR09-2008-56**  
**AN ORDINANCE AMENDING SECTION 51.030 - RATES FOR TREATED WATER SERVICE, SUBSECTIONS (C),(D),(F), AND (H) OF THE CODE OF ORDINANCES.**

Greg Wilmore, Director of Finance stated that the water rates in this Ordinance reflect the following changes: 5% increase on the service demand charge, the rate per 1000 gallons and a rate for the reuse water. These changes are necessary to keep up with the cost of providing services. Specific examples and a survey are attached.

Speakers: Alden Nellis spoke against this item

**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>			X	<i>Roll Call</i>

**OR5. OR09-2008-57**  
**AN ORDINANCE AMENDING SECTION 51.031 - RATES FOR WASTEWATER SERVICE, SUBSECTIONS (C) AND (D) AND SECTION 51.033 - INDUSTRIAL WASTE CHARGE RATE FORMULA.**

Greg Wilmore, Director of Finance stated that the wastewater rates in this Ordinance reflect the following changes: 5% increase to all residential and commercial users including the service demand charge increase to \$8.46 per month, the residential maximum is based on 13,500 gallons (1,805 cu. ft.) or \$43.43/month, and the industrial part of the ordinance has been increased by 5%. See examples and survey in the backup.

Speakers: Alden Nellis spoke against this item.

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
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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>			X	<i>Roll Call</i>

**\*OPENED PUBLIC HEARING**

**OR6. OR09-2008-58**

**AN ORDINANCE REZONING 205 FEATHERSTON STREET FROM CO (NON-RETAIL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT), AS REQUESTED BY CHRISTOPHER L. AND AMY SAUNDERS.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of August 11, 2008. The Comprehensive Land Use Plan calls for this area to be low density residential and public. The property was zoned from MF (Multiple Family Dwelling District) to CO (Non-retail District) on September 26, 2006, at the request of Mr. and Mrs. Saunders. They have been unable to sell the property for non-retail use and now have buyers who wish to purchase the property for single family use. Staff has received inquiries, but no objections. P&Z recommended approval 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				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>

**\*OPENED PUBLIC HEARING**

**OR7. OR09-2008-59**

**AN ORDINANCE REZONING 920 EAST KATHERINE P. RAINES FROM C3 (COMMERCIAL DISTRICT) TO C3/C4 (COMMERCIAL DISTRICT WITH PRIVATE CLUB OVERLAY DISTRICT), AS REQUESTED BY REBECCA JO BECKHAM.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission (P&Z) considered this request at its meetings of July 28th and August 11th. The Comprehensive Land Use Plan calls for this area to be commercial and industrial. The property is not within 300 feet of a church, public school, or public hospital as measured in accordance with the methods established by state law and the property is located on the access road of US Highway 67. If

alcoholic beverages are allowed on the golf course, our attorney, Wade Adkins advised the P&Z that the Texas Alcoholic Beverage Commission (TABC) requires the entire premises to be zoned for alcoholic beverage sales. Ms. Beckham feels that the rezoning to C3/C4 (Commercial District with Private Club Overlay District) will allow her to better control the consumption of alcoholic beverages on the property because customers will not be allowed to bring their own alcoholic beverages onto the premises. Staff has received inquiries, but no objections. P&Z recommended approval by a vote of 4-2 with Mrs. Corder and Mrs. White voting in opposition.

Speakers: Rebecca Jo Beckham, proponent, spoke in favor of this item

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

**OR8. OR09-2008-60**

**AN ORDINANCE APPROVING A SIGN VARIANCE FOR A MONUMENT SIGN IN AN "SF-4" RESIDENTIALLY ZONED AREA LOCATED AT 303 N. HYDE PARK BLVD, AS REQUESTED BY VILLAS AT HENDERSON PLACE APARTMENT HOMES.**

Donna Jackson, Director of Development Services stated that this request for a monument sign to be located at 303 N. Hyde Park Blvd was denied at the July 8 and August 12, 2008 City Council meetings due to the height of the sign. The applicant met with staff to discuss the proposed location of the sign. The applicant submitted additional information showing detailed measurements of the exact location with a color rendering of the proposed 6 foot sign. This property has a dual zoning of "SF-4" Single Family Dwelling District and "MF" Multi-Family with the portion adjacent to Hyde Park being zoned "SF-4" where the sign would be located. According to Section 156.07, monument signs are not allowed in "SF-4". The applicant does not have a permanent identifying sign at this time.

**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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**OTHER COUNCIL MATTERS**

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**OC3.**

**ADOPT A TAX RATE THAT RAISES MORE REVENUE THAN THE PRECEDING YEAR.**

Greg Wilmore, Director of Finance stated that House Bill 3195 was passed by the 80<sup>th</sup> Legislature and takes effect for any budget passed after September 1, 2007. This item is necessary due to provisions in that bill. The following items took place by staff due to those provisions; 1) wording required on public notices, 2) statement that is required on the cover page of the proposed budget, 3) wording on our web site about the proposed budget, 4) and a separate vote of the governing body to ratify the property tax increase reflected in the budget. This vote must be in addition to and separate from the vote to adopt the budget or the vote to set the tax rate. The proposed property tax rate is \$.62 per \$100 valuation.

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

**OC4.**

**APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.**

Donna Jackson, Director of Development Services stated that Wesley Nelson's first term expires September 12, 2008. Staff requests Council consider reappointing Mr. Nelson to a second term.

**MOTION: to reappoint Wesley Nelson**

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

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**CITIZENS COMMENTS**

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Bill Miller asked about an item already considered on the agenda. Mayor Reynolds explained that

the Council could not discuss items that had already been considered.

**ADJOURNED AT: 7:46 p.m.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: September 23, 2008**

**CITY OF CLEBURNE**

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**Ted Reynolds, Mayor**

**ATTEST:**

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**Shelly Doty, City Secretary**