



REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 25, 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:

- ✓ Chester Nolen, City Manager
- ✓ Rick Holden, 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
- ✓ Bonita Hall, Human Resources
- ✓ 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

III. PLEDGE OF ALLEGIANCE

IV. CEREMONIAL MATTERS

Special Recognition Wendell Lewis, Sanitation Department

V. CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

C1. MINUTES

APPROVAL OF MINUTES FOR THE NOVEMBER 11, 2008 REGULAR COUNCIL MEETING.

BQ1.

RENEW REFUSE BAG CONTRACT WITH DYNA PAK CORPORATION.

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

BRIEF: The Annual Refuse Bag contract was awarded to Dyna Pak Corporation in January 2006. The terms and conditions of the bid included an option for four, one-year renewals if agreed upon by both parties. Dyna Pak Corporation has agreed to a one-year renewal with an increase equal to the current Consumer Price Index or 4.9%. The previous renewal was at current pricing. This represents the third renewal.

2006 Contract Price	\$5.32
2007 Contract Price	\$5.32
2008 Contract Price	\$5.58

RS1. RS11-2008-73

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRESS ENGINEERS FOR ENGINEERING AND RELATED SERVICES TO RELOCATE EXISTING WATER AND WASTEWATER LINES AND APPURTENANCES DUE TO THE CONSTRUCTION OF HIGHWAY 121.

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

BRIEF: Due to upcoming construction of SH 121, it will be necessary to move existing water and wastewater lines out of the existing right-of-way. This agreement will provide design, surveying, right-of-way acquisition, project coordination with TxDOT, and resident project representative. All fees incurred will be reimbursed by TxDOT at the end of the project. Costs are not to exceed \$212,000.00.

RS2. RS11-2008-74

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRESS ENGINEERS FOR DESIGN AND RELATED SERVICES FOR DEMOLITION OF EXISTING 500,000 GALLON ELEVATED WATER TANK AND CONSTRUCTION OF A NEW 1 MILLION GALLON ELEVATED STORAGE TANK AT ROSE STREET.

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

BRIEF: The existing 500,000 gallon elevated water storage tank has aged and is in need of major repairs. Due to growth in the upper pressure plane, the tank is also undersized and more storage capacity is needed. This agreement will provide engineering for demolition of existing tank and construction of a larger 1 million gallon elevated storage tank and its appurtenances, including SCADA controls, testing, etc. Fees are not to exceed \$228,000.00.

RS3. RS11-2008-75

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRRESS ENGINEERS FOR DESIGN AND RELATED SERVICES TO EXTEND SPARKS DRIVE TO SH 121.

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

BRIEF: Due to the construction of SH 121, it is necessary to design the extension of Sparks Drive so that entrance and exit ramps will be included in SH 121's design and funding. This agreement will include design, testing, surveying, geotechnical, right-of-way acquisition, and project coordination with TxDOT. Costs are not to exceed \$72,800.00.

OC1.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CLEBURNE SCHOOL COMPLEX ADDITION, SECTION TWO (BEING 8.874 ACRES OF THE ALEXANDER DUNLAVEY SURVEY A-227, LOCATED AT THE SOUTHEAST INTERSECTION OF COLONIAL DRIVE AND HARLIN DRIVE), REQUESTED BY CLEBURNE INDEPENDENT SCHOOL DISTRICT, 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 October 27, 2008. Notice was given as required by State law. We have received no inquiries or objections. P&Z recommended approval by a vote of 6-0.

OC2.

AUTHORIZATION TO CANCEL SECOND REGULAR COUNCIL MEETING IN DECEMBER 2008.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Historically, the City Council has cancelled the second regular meeting in December due to the Christmas holiday. In order to cancel this meeting, Council action is required.

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	Motion Carried		Motion Failed				Roll Call

ORDINANCES

***OPENED PUBLIC HEARING**

OR1. OR11-2008-79

AN ORDINANCE CREATING SECTION 150.047 OF THE PLUMBING CODE TO ESTABLISH MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY.

Donna Jackson, Director of Development Services stated that during the 2007 legislative session, the Texas Legislature adopted House Bill 1656 and amended Chapter 401 of the Texas Local Government Code to require a city with a population of over 20,000 to regulate the installation of irrigation systems within their corporate city limits. The ordinance sets guidelines for the installation of systems, licensing requirements of installers, and responsibilities of the municipalities. Section 150.047 will be an added section to the Plumbing Code. The ordinance was drafted for the model State ordinance submitted by TML.

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

***OPENED PUBLIC HEARING**

OR2. OR11-2008-80

AN ORDINANCE AMENDING SECTION 150.044 - BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL TO CORRECT ALL REFERENCES OF "TNRCC" (TEXAS NATURAL RESOURCE CONSERVATION COMMISSION) TO "TCEQ" (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY); AND TO AMEND PARAGRAPH (R) TO REFERENCE SECTION 150.047, MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS AND PARAGRAPH (S) "BEVERAGE DISPENSERS TO ALLOW ONLY REDUCED PRESSURE ZONE FOR BACKFLOW PREVENTION.

Donna Jackson, Director of Development Services stated that all references of the TNRCC (Texas Natural Resource Conservation Commission) should be changed to TCEQ (Texas Commission on Environmental Quality). Also, with the adoption of Section 150.047, Paragraph (R) "Compliance for lawn irrigation" needs to be updated to reference Section 150.047, and paragraph (S) "Beverage Dispensers" to allow only Reduced Pressure Zone for backflow prevention.

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

OPENED PUBLIC HEARING*OR3. OR11-2008-81**

AN ORDINANCE REZONING 1004 SPELL STREET FROM SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO C2 (COMMERCIAL DISTRICT), AS REQUESTED BY CLEBURNE BIBLE CHURCH, REPRESENTED BY BRAD YOUNG OR DEAN ELLIOTT.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission (P&Z) considered this request at its meeting of October 27, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. We have had no inquiries or objections. The Comprehensive Land Use Plan calls for this area to be commercial and low density residential. By a vote of 6-0 the P&Z recommended that the property be rezoned to **C1 (Local Business District)** instead of the requested C2 zoning because this zone would be more compatible with the neighborhood, would not allow as intense of use in the future and would allow the proposed use of the property as a daycare facility.

Speakers: Brad Young, representative for Cleburne Bible Church, spoke in favor of the C1 zoning
**CLOSED PUBLIC HEARING*

MOTION: to approve C1 zoning

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

OTHER COUNCIL MATTERS

OC3.

APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION.

Clint Ishmael, Fire Chief stated that Juana Torres has submitted a letter of resignation due to relocating to another city, a replacement is needed.

MOTION: to appoint Doris Sims

	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>

CITIZENS COMMENTS

None

ADJOURNED AT: 7:19 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: December 9, 2008



ATTEST:

Shelly Doty
 Shelly Doty, City Secretary

CITY OF CLEBURNE

Ted Reynolds
 Ted Reynolds, Mayor