



REGULAR CITY COUNCIL MEETING MINUTES
DECEMBER 9, 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
- X 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 Dr. Danny Crosby, First Baptist Church

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 NOVEMBER 25, 2008 REGULAR COUNCIL MEETING AND DECEMBER 1, 2008 SPECIAL COUNCIL MEETING.

BQ1.

AUTHORIZE PURCHASE OF KITCHEN EQUIPMENT FOR THE GOLF COURSE CLUB

HOUSE FROM GST MANUFACTURING, LTD. IN THE AMOUNT OF \$49,994.00.

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

BRIEF: Quotes were received from three vendors for the club house kitchen equipment. GST Manufacturing provided the lowest complete quote for the equipment and installation.

RS1. RS12-2008-77

A RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATIONAL PERMIT FOR 2009 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING AMBULANCE SERVICES IN THE CITY OF CLEBURNE.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: CareFlite Ambulance Service is requesting renewal of their operational permit to provide ambulance service for the City of Cleburne. Permit application has been received and all fees have been paid. CareFlite has performed satisfactorily.

RS2. RS12-2008-78

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2009 TO RICK'S WRECKER SERVICE FOR PROVIDING WRECKER SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Terry Powell, Chief of Police

BRIEF: Rick's Wrecker Service is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne, which expires on December 31, 2008. According to the City's Code of Ordinances, Chapter 110, this permit would be in effect from January 1, to December 31, 2009. All required applications, inspections, certificates and fees have been submitted as required. Rick's has performed satisfactorily with no complaints.

RS3. RS12-2008-79

A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR 2009 TO PRINE TOWING & RECOVERY, INC. FOR PROVIDING WRECKER SERVICES IN THE CITY OF CLEBURNE; PROVIDING FOR PLACEMENT ON POLICE ROTATION LIST.

Person presenting this item: Terry Powell, Chief of Police

BRIEF: Prine Towing & Recovery, Inc. is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne, which expires on December 31, 2008. According to the City's Code of Ordinances, Chapter 110, this permit would be in effect from January 1, to December 31, 2009. All required applications, inspections, certificates and fees have been submitted as required. Prine's has performed satisfactorily with no complaints.

RS4. RS12-2008-80

A RESOLUTION AUTHORIZING EXPENDITURE OF 4B FUNDS FOR PURCHASE OF EQUIPMENT FOR EXERCISE ROOM AT BOOKER T. WASHINGTON COMMUNITY AND RECREATION CENTER IN THE AMOUNT OF \$50,219.11, AS REQUESTED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Person presenting this item: Rick Holden, Assistant City Manager

BRIEF: The 4B Board considered and approved this item at their meeting of December 2, 2008. Bids for cardiovascular and strength equipment for the Center's exercise room were received from three vendors. Comm-Fit provided the lowest bid in the amount of \$50,219.11. Approval is required to authorize the 4B Corporation to expend funds for this part of the project.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2008.

Person presenting this item: Greg Wilmore, Director of Finance

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	Motion Carried		Motion Failed			Roll Call		

RESOLUTIONS

RS5. RS10-2008-81

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BRING A CONDEMNATION ACTION FOR THE PURPOSE OF OBTAINING FEE TITLE TO AN UNDIVIDED 25% INTEREST IN 3.11 ACRES OF PROPERTY FOR THE CONSTRUCTION OF FIRE STATION NO. 4, OR FOR OTHER PUBLIC PURPOSES PERMITTED BY LAW.

Clint Ishmael, Fire Chief stated that the City of Cleburne recently purchased 75% interest in a piece of property to construct a fourth fire station. The remaining 25% interest of the property belongs to Robert A. Kugle. Attempts to contact Mr. Kugle to negotiate the purchase of the remaining interest were unsuccessful. To obtain 100% ownership in the property, the remaining 25% interest must be obtained through the condemnation of the property. Staff is requesting Council to authorize the City Attorney to bring a condemnation lawsuit against the owner, and any and all other parties having an

interest in the Property, for the purpose of acquiring fee title to the Property.

Speaker: Bill Miller spoke in favor of 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>					<i>Roll Call</i>

ORDINANCES

***OPENED PUBLIC HEARING**

OR1. OR12-2008-82

AN ORDINANCE REZONING 618 WEST CHAMBERS FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR PERMANENT COSMETIC MAKEUP SHOP), AS REQUESTED BY JOHN STEPHERSON.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission (P&Z) considered this request at its meeting of November 10, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. The Comprehensive Land Use Plan shows this area as commercial, low density residential, public and open space/flood plains. We have received no comments or objections. Mr. Stepherson meets all of the regulations for this Specific Use Permit. P&Z recommended approval of this request by a vote of 4-0.

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

***OPENED PUBLIC HEARING**

OR2. OR12-2008-83

AN ORDINANCE REZONING 2033 EAST HENDERSON FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR MAINTENANCE AND REPAIR SERVICE FOR BUILDINGS), AS REQUESTED BY ULRICH BARN BUILDERS, LLC.

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meetings of October 27, 2008 and November 10, 2008. Notice was given as required by State law and the property owners within 200 feet were notified. The Comprehensive Land Use Plan shows this area as commercial and low density residential. Since there was no one to present the request at the October 27, 2008 meeting, P&Z tabled consideration of the request to the November 10, 2008, P&Z meeting. We have received no comments or objections. Ulrich Barn Builders, LLC meets all of the regulations for this Specific Use Permit. P&Z recommended approval of this request by a vote of 4-0.

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		X					Denied
Warren			X					Withdrawn
Reynolds			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

***OPENED PUBLIC HEARING**

OR3. OR12-2008-84

AN ORDINANCE ABANDONING A 7.5 FEET BY 120 FEET UTILITY EASEMENT LOCATED AT 904 N. GRANBURY, AS REQUESTED BY NATIONAL YELLOW PAGE SERVICE (TX) LLC.

Donna Jackson, Director of Development Services stated that this is a request to vacate the 7.5 feet wide and 120 feet long utility easement located at 904 N. Granbury as requested by National Yellow Page Service (TX) LLC. We have releases from all utilities stating that no City or franchise utilities are found in the above described easement.

Speakers: Brannon Potts spoke in favor of 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				Denied
Warren	X		X				Withdrawn
Reynolds			X				Postponed until:
X	Motion Carried		Motion Failed			Roll Call	

OR4. WITHDRAWN
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTRIC POWER CONTRACT WITH CITIES AGGREGATION POWER PROJECT, INC. (“CAPP”) FOR ELECTRIC CAPACITY AND ENERGY.

OTHER COUNCIL MATTERS

OC2.
APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION.

Clint Ishmael, Fire Chief stated that Ms. Doris Sims was appointed to the Commission at the November 25, 2008 Council meeting. However, she has since taken a job and is unable to accept the appointment. Staff requests Council fill this vacancy originally left by Juana Torres who resigned due to moving to another city.

MOTION: to postpone until 1st meeting in January 2009

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				Approved as presented
Boles						X	Approved as amended
Force		X	X				Denied
Warren	X		X				Withdrawn
Reynolds			X				X Postponed until: Jan 13
X	Motion Carried		Motion Failed			Roll Call	

CITIZENS COMMENTS

None

ADJOURNED AT: 7:16 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: January 13, 2009

CITY OF CLEBURNE

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary