



**REGULAR CITY COUNCIL MEETING MINUTES**  
**JANUARY 13, 2009**  
**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
- ✓ 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 by Reverend Steve Dill, Southwest Family Church**

**III. PLEDGE OF ALLEGIANCE**

**IV. CEREMONIAL MATTERS**

Employee Recognition

Kelli Ford, Senior Accounting Coordinator

**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 DECEMBER 9, 2008 REGULAR COUNCIL MEETING AND JANUARY 8, 2009 SPECIAL COUNCIL MEETING.**

RS1. RS01-2009-02

**A RESOLUTION ACCEPTING AWARD OF TXDOT GRANT IN THE AMOUNT OF \$58,000.00 FOR THE PURCHASE OF A VEHICLE FOR THE CITY/COUNTY TRANSPORTATION DEPARTMENT.**

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

**BRIEF:** For the Public Transportation Fiscal Year (FY) 2009 a Vehicle Capital Replacement (VCR) Project grant agreement has been made between the Texas Department of Transportation and the City of Cleburne. The amount received from the grant is for \$58,000 which will be used to purchase a type II vehicle. By receiving the Transportation Development Credits, no matching funds from the City will be required.

RS2. RS01-2009-03

**A RESOLUTION ACCEPTING AWARD OF NCTCOG GRANT IN THE AMOUNT OF \$40,500.00 FOR PREVENTATIVE MAINTENANCE, SHOP EQUIPMENT AND A VEHICLE FOR THE CITY/COUNTY TRANSPORTATION DEPARTMENT.**

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

**BRIEF:** In July 2008 the North Central Texas Council of Government entered into an Interlocal Cooperative Agreement with the City of Cleburne for implementation of Urbanized Area Transit Services. The original agreement reflected funding programmed by the Regional Transportation Council for the Fiscal Year (FY) 2006. To incorporate funding for FY 2007 an addendum to the agreement was signed on September 15, 2008. To incorporate additional funding for FY 2008 an additional revision of the agreement is required. Funding from NCTCOG in the amount of \$40,500 with the City's matching of \$9,038 will be used for preventative maintenance, replacement of less than 30 ft bus, and shop equipment for Cletran Transportation.

RS3. RS01-2009-04

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH DUMAS LAND SURVEYING, INC. FOR BOUNDARY AND OTHER SURVEYING SERVICES IN RELATION TO THE CLEBURNE MUNICIPAL AIRPORT.**

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

**BRIEF:** After reviewing the professional capabilities, Dumas Land Surveying, Inc. can provide the services needed for a boundary survey and other various surveying services for approximately 520 acres comprising the Cleburne Municipal Airport. Dumas Land Surveying, Inc. will accomplish the services for an amount not to exceed \$30,000. After reviewing the contract, staff is only requesting the amount for the basic services of the Boundary Survey and Various Surveying and not the final plat and re-zoning which will be addressed at a later date. This project will be funded through the Airport Enterprise Funds.

**RS4. RS01-2009-05**

**A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD.**

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

**BRIEF:** Statement of Interest is required to begin the process of requesting financial assistance from the Texas Water Development Board to provide funding for the West Loop Reuse Pipeline Project. Amount requested is not to exceed \$8,850,000 with 75% from federal funds and the City's matching share of 25% to fund the planning, designing and construction of the reuse pipeline project. Stafford Gunning, Freese and Nichols gave a brief overview of the project in Workshop.

**OR1. OR01-2009-01**

**AN ORDINANCE AMENDING CHAPTER 74: TRAFFIC SCHEDULES, SCHEDULE 1, SCHOOL ZONES, ESTABLISHING A SCHOOL ZONE ON COLONIAL DRIVE BETWEEN HARLIN DRIVE AND WOODARD AVENUE.**

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

**BRIEF:** The Traffic Safety Coordinator received a request from CISD to establish a school zone around Wheat Middle School and Cleburne High School campuses. After studying the area, the Traffic Safety Coordinator recommends establishing a school zone on Colonial Drive between Harlin Drive to Woodard Ave. The school zone speed limit of 15 MPH will be in effect when school is in session between 7:30 AM to 9:00 AM and 2:30 PM to 4:00 PM.

**OR2. OR01-2009-02**

**AN ORDINANCE AMENDING THE 2008-2009 BUDGET WITH A NET INCREASE TO THE GENERAL FUND ENDING BALANCE IN THE AMOUNT OF \$205,758.00.**

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

**BRIEF:** The organizational changes previously approved by Council resulted in a department closing and employee movement. The net effect of these changes will be an increase in fund balance of \$100,735. Additionally, general fund budgets were changed for the deletion of fuel tank purchases, and to cover expenses from 2007-2008 that were approved but not completely paid for during that budget year.

**OR3. OR01-2009-03**

**AN ORDINANCE AMENDING THE DRAINAGE UTILITY FUND 2008-2009 BUDGET BY ALLOCATING \$106,000.00 FROM FUND BALANCE TO PROFESSIONAL SERVICES 6398-8664. Corrected amount of \$550,000 to Capital Drainage 6398-8840**

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

**BRIEF:** A portion of these funds, \$242,000, was allocated during the 2007-2008 budget year to

provide for drainage project funding. These projects were not completed before the end of the fiscal year, thereby creating the need to reappropriate the funds. Additionally, the project reserve of \$300,000 will be allocated to capital projects. The remaining \$8,000 will be allocated from fund balance. This project includes drainage improvements on Tanglewood Drive, Glenwood Drive and the Nolan River Mall area.

**OR4. OR01-2009-04**

**AN ORDINANCE AMENDING THE WATER FUND 2008-2009 BUDGET BY ALLOCATING \$346,000.00 FROM FUND BALANCE TO PROFESSIONAL SERVICES 6083-8870 AND ALLOCATING \$520,000.00 FROM FUND BALANCE TO PROFESSIONAL SERVICES 6096-8830.**

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

BRIEF: These budget changes will fund water distribution and wastewater collection line relocation for the Highway 121 project. These costs will be refunded at 100% by the State when the projects have been completed.

**OC1.**

**APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2008.**

Person presenting this item: Greg Wilmore, Director of Finance

**OC2.**

**APPROVE PRELIMINARY PLAT OF LOTS 1-4, BLOCK 1, WOODARD OAKS ADDITION (LOCATED IN CLEBURNE'S ETJ AND BEING 36.786 ACRES OF THE PHILIP GOLDEN SURVEY), AS REQUESTED BY BOBBYE WHITLOCK FOR THE OWNER, THE DOROTHY WOODARD REVOCABLE LIVING 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 November 24, 2008. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be low density residential. We have received no inquiries or objections. P&Z recommended approval by a vote of 6-0.

**OC3.**

**APPROVE RE-PLAT OF LOTS 1R1, 2R1, 3 AND 4, BLOCK 1, CLEBURNE COMMERCIAL PARK, SECTION ONE (LOCATED AT 316, 320, 322 WEST KILPATRICK), AS REQUESTED BY L.T. SOLOMON AND QUINCY PRINE, 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 November 24, 2008. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be low density residential and commercial. We have received no inquiries or objections. P&Z recommended approval by a vote of 6-0.

**MOTION:** to approve with correction to OR3 as read into the record

	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>

**ORDINANCES**

**OR5.** OR01-2009-05

**AN ORDINANCE MAKING AND RATIFYING THE DETERMINATION OF A PUBLIC NEED TO CONSTRUCT A ROADWAY AND RELATED FACILITIES, AS DISCUSSED IN EXECUTIVE SESSION:**

**CONSIDER AN ORDINANCE MAKING AND RATIFYING THE DETERMINATION OF A PUBLIC NEED AND PURPOSE AND MAKING AND RATIFYING CERTAIN FINDINGS IN CONNECTION WITH A PROJECT TO CONSTRUCT A ROADWAY AND RELATED FACILITIES FOR THE EXTENSION OF COLONIAL DRIVE BETWEEN THE EXISTING ROADWAY AND WOODARD AVE. AND IN CONNECTION WITH THE ACQUISITION OF RIGHT OF WAY AND CERTAIN UTILITY EASEMENTS NEEDED, AUTHORIZING THE CITY MANAGER AND OTHERS UNDER HIS DIRECTION TO SEEK TO ACQUIRE AND TO ACQUIRE THE NECESSARY RIGHT OF WAY AND EASEMENTS FROM THE OWNERS OF THE PROPERTY TO BE COVERED BY THE RIGHT OF WAY AND EASEMENTS, SUCH ACQUISITIONS TO BE THROUGH VOLUNTARY CONVEYANCE UPON THE PAYMENT OF JUST COMPENSATION OR, IF NECESSARY, AS DETERMINED BY THE CITY MANAGER, BY THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN; APPROVING THE APPRAISALS OF THE PROPERTY COVERED BY THE RIGHT OF WAY AND UTILITY EASEMENTS; AUTHORIZING THE FILING AND PROSECUTION OF CONDEMNATION PROCEEDINGS IF EFFORTS TO ACQUIRE THE RIGHT OF WAY AND EASEMENTS OTHERWISE ARE NOT SUCCESSFUL; AND RATIFYING ALL ACTIONS TAKEN HERETOFORE IN CONNECTION WITH THE PROJECT AND THE RIGHT OF WAY AND EASEMENTS.**

David Esquivel, Director of Public Works presented. This item will make and ratify the determination of a public need and purpose and make and ratify certain findings in connection with

the extension of Colonial Drive and in connection with the acquisition of right of way and easements needed for the project; authorize the City Manager and others under his direction to acquire the necessary right of way and utility easements by voluntary conveyance after the payment of just compensation or, if necessary as determined by the City Manager, by the exercise of the right of eminent domain; approve appraisals obtained to determine the just compensation to be paid for the right of way and utility easements; authorizing the filing and prosecution of condemnation proceedings; and ratify all actions heretofore taken in connection with the project. There are 3.117 ac of public right of way, and 0.829 ac. of drainage & utility easements, authorized for condemnation proceedings by this proposed ordinance in Cleburne, Johnson County, Texas and being 41.341 acres out of the J. W. Haynes Survey, Abstract 408 and the C L. Jaco Survey, Abstract 461, City of Cleburne, are apparently owned by Carolyn King-Kasper and Barbara Pletcher.

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

**\*OPENED PUBLIC HEARING**

**OR6.**

**OR01-2009-06**

**AN ORDINANCE REZONING 2501 COUNTRY CLUB ROAD, KNOWN AS CLEBURNE GOLF LINKS, FROM SF-4 (SINGLE FAMILY DWELLING DISTRICT) TO C3/C4 (COMMERCIAL DISTRICT WITH PRIVATE CLUB OVERLAY DISTRICT).**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of December 8, 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 low density residential, open space/flood plains/parks/commercial. We have received requests for information but no objections. P&Z recommended approval of this request by a vote of 6-1 with Mrs. Corder voting in opposition.

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>

**OTHER COUNCIL MATTERS**

**OC4.**

**APPROVE FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, STEPHENS ADDITION (LOCATED AT THE SOUTHWEST INTERSECTION OF COLLEGE STREET AND PENDELL STREET), AS REQUESTED BY ORVIL JOE AND BILLIE F. STEPHENS, REPRESENTED BY RECER & FOX, INC.**

Donna Jackson, Director of Development Services stated that the Planning and Zoning Commission considered this request at its meeting of November 24, 2008. Notice was given as required by State law. The Comprehensive Land Use Plan shows this area to be low density residential. We have received no inquiries or objections. This plat **does not** conform to minimum lot size, street frontage or setbacks. P&Z recommended approval of the plat as a non-conforming plat by a vote of 6-0. Plat will denote that this will be a non-conforming lot.

**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>

**OC5. WITHDRAWN**

**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. She had taken a job and was unable to accept the appointment at the time. Her circumstances have changed and she is now able to serve.

**CITIZENS COMMENTS**

None

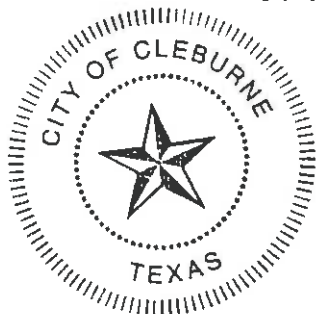
**ADJOURNED AT: 7:25 p.m.**

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**APPROVAL OF MINUTES**

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APPROVED BY MAJORITY VOTE OF COUNCIL ON: February 10, 2009



**CITY OF CLEBURNE**

Ted Reynolds, Mayor

ATTEST:

Shelly Doty, City Secretary