



REGULAR CITY COUNCIL MEETING AGENDA

MARCH 3, 2015

(Rescheduled from February 24, 2015)

5:00 PM

CITY HALL COUNCIL CHAMBERS

10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, Mayor Pro Tem
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Rob Severance, Interim City Manager
- ✓ Rod Hogan, Interim Asst City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Fritz Quast, City Attorney

Division Directors:

- ✓ Courtney Coates, Public Works
- ✓ Marcie Freelen, Finance
- ✓ Clint Ishmael, Fire Services
- ✓ Amy Knoll, Police Services
- ✓ Debra Powledge, Human Resources

Department Heads:

- ✓ Burton Barr, Community Services
- ✓ Jessica James, Economic Development
- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Pastor Kody Hughes, Eastern Heights Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS

Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee.

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns not posted on the agenda. The City Council may take no action during this portion of the agenda. The Council may only ask clarifying questions or direct staff to take appropriate action. Each person will be allowed five minutes to comment on any particular subject. No more than two persons will be allowed to comment on any particular subject, one in favor and one against. All persons desiring to make comments under this section must sign a card prior to the council meeting identifying themselves and the topic they desire to address.

VI. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

M1. APPROVAL OF MINUTES FOR THE FEBRUARY 10, 2015 REGULAR COUNCIL MEETING.**BQ1. AUTHORIZE PURCHASE OF A LATENT FINGERPRINT IDENTIFICATION SYSTEM FROM AFIX TECHNOLOGIES, INC FOR AN AMOUNT OF \$37,000.**

Person presenting this item: Amy Knoll, Acting Chief of Police

BRIEF: Competitive quotes were solicited for a latent fingerprint identification system. The lowest, most responsible quote was received from AFIX Technologies. This will be paid out of the Crime Data Technology grant (RS01-2015-08).

RS1. A RESOLUTION AUTHORIZING CONTRACT RENEWAL WITH TARRANT COUNTY, TEXAS FOR TRANSPORTATION SERVICES OF TARRANT COUNTY PUBLIC HEALTH CLIENTS.

Person presenting this item: Grady Easdon, Transportation Manager

BRIEF: Tarrant County would like to renew our contract with them to provide transportation services for their clients that reside in the City/County Transportation service area. City/County Transportation will charge Tarrant County Public Health \$40.00 per one-way trip leaving Johnson County (\$80.00 per round trip) and \$12.00 per one-way trip for all trips that remain within Johnson County (\$24.00 per round trip). The term of the contract is February 1, 2015 - January 31, 2016.

RESOLUTIONS

RS2. A RESOLUTION AUTHORIZING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT WITH TXDOT FOR MICROSURFACING ON COLONIAL DRIVE.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: The City has earmarked federal funds available left over from Texas Department of Transportation's off-system project of extending Colonial Drive. Funds are available to be used in the area of that extension. This agreement is for micro-surfacing Colonial Drive from Harlin Drive to Woodard Ave. The City's estimated participation is \$21,331.00 with the total project being \$64,639 that includes State and Federal Funds. This item was presented on Council's February 10th Workshop.

RS3. A RESOLUTION AUTHORIZING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT WITH TXDOT FOR CONSTRUCTION OF SIDEWALKS ON COLONIAL DRIVE AND WOODARD AVENUE.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: The City has earmarked federal funds available left over from the Texas Department of Transportation's off-system project of extending Colonial Drive. Funds are available to be used in the area of that extension. This agreement is for construction of approximately 5,350 sq ft of concrete sidewalk on Colonial Drive and 1,400 sq ft on Woodard Avenue providing for safe passage of high school and middle school students. The City's share of the project is \$39,226 with the total project being \$161,537 which includes state and federal funds. Of the City's share, \$10,000 of in-kind engineering services may be provided by City staff. This item was presented on Council's February 10th Workshop.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 10.0 ACRES LOCATED AT 3953 WINDMILL ROAD FROM IH (INTERIM HOLDING) TO SF4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY LARRY AND MARY HART.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: The Planning and Zoning Commission considered this at its February 9, 2015 meeting. The zoning for the surrounding property is IH (Interim Holding District), M2 (Heavy Industrial District), and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area to be Transportation and Industry and the surrounding land use is Transportation and Industry. P&Z recommended approval of the rezone by a vote of 6-0.

OR2. AN ORDINANCE CLOSING AN ALLEY BETWEEN NORTH BUFFALO AVENUE AND NORTH WOOD STREET (BLOCK 783); AS REQUESTED BY BOBBY LACKEY.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: Mr. Bobby Lackey has requested that the east/west alley in Block 783 Original Cleburne be closed. Notice was given as required by state law. No objections have been received. A utility easement will need to be retained over the alley upon closure. Upon closure the alley will revert to the owner of the adjacent property on each side as of the date of adoption and the ordinance shall be recorded in the official public records of Johnson County, Texas.

OR3. AN ORDINANCE CLOSING AN ALLEY BETWEEN CORSON STREET AND SCUDDER STREET (BLOCK 834); AS REQUESTED BY RUBY HYLER, REPRESENTED BY LLOYD PRANGE.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: Ms. Ruby Hyler, represented by Lloyd Prange has requested that the north/south alley in Block 834, Original Cleburne be closed to increase her property to over 1 acre so a Veteran's Land Bond can be used by the prospective buyer. Notice was given as required by state law and no

objections have been received. The city must retain the alley as a public utility easement. Upon closure the alley will revert to the owner of the adjacent property on each side of the date of adoption and the ordinance shall be recorded in the official public records of Johnson County, Texas.

OR4. AN ORDINANCE AUTHORIZING A TAX ABATEMENT AGREEMENT FOR ABATEMENT OF AD VALOREM TAXES; AS REQUESTED BY LA MODERNA HOLDINGS, INC AND ITS SUBSIDIARIES.

Person presenting this item: Rob Severance, Interim City Manager

BRIEF: La Moderna Holdings, Inc. and its subsidiaries La Moderna Foods, Inc. and Interamerican Foods Corp. have submitted an application for a tax abatement for their planned new pasta manufacturing and distribution facility in Cleburne. The project is estimated to require approximately \$40,000,000 in new capital investment and will employ 80 employees. The projected annual payroll, excluding benefits will be \$3,111,680. The projected annual operating budget will be approximately \$9,000,000. An economic impact analysis has been prepared for the project. The analysis shows this project will have a positive impact and will be beneficial to the local citizens. The city and other local taxing entities will also receive positive gains in tax revenues from the project. According to the table for new facilities in the Guidelines, Criteria and Tax Incentive Policy approved in June, 2013, this project should qualify for 50% abatement for seven (7) years. Fort Worth and Granbury were competing cities for this project offering similar incentives. A written performance agreement will be required subject to the Council approving this tax abatement request.

OR5. AN ORDINANCE WAIVING CERTAIN INTEREST AND ADMINISTRATIVE FEES ASSESSED AGAINST PROPERTY LOCATED AT 302 COLORADO STREET FOR MOWING SERVICES PAID FOR BY THE TAXPAYERS; AS REQUESTED BY THE J.E. MATTHEWS ESTATE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Cynthia White who resides in Jacksonville, FL is caretaker and heir to property located at 302 Colorado St. in Cleburne. The property belonged to her mother Joyce Matthews Austin who has passed away. Ms. White states that she has kept the taxes current but depended on someone else to care for the property who did not follow through. Pursuant to Section 96.18 City of Cleburne Code of Ordinances, the City has been mowing this property for the last 12 years.

The total payoff for these liens is a total of \$12,955.45 with the breakdown being as follows:

- \$1,900.00 paid to contractor by the taxpayers for actual mowing and/or clean-up
- \$6,840.00 in administrative fees for certified letters, county filing fees and staff costs
- \$4,215.46 in interest since 2002;

Certified letters were sent as required by law to the address listed with the Johnson County Central Appraisal District and Tax Office which according to the record is 13031 Huntley Manor Dr., Jacksonville, FL 32224. Ms. White would like to pay for the mowing fees paid by the taxpayers for upkeep of the property but is asking for the interest and administrative fees to be waived.

OR6. AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, BY ADDING CHAPTER 121: SMOKING.

Person presenting this item: Scott Cain, Mayor

BRIEF: It is the concern and purpose of the City Council to: (1) protect the public health and welfare of its citizens by permitting owners and operators of public buildings and public places to prohibit smoking in certain public places, and (2) recognize that the need to breathe smoke-free air shall have priority over the desire to smoke in certain instances. After discussion at several workshops and feedback from the public, this ordinance is being submitted for Council's consideration.

OTHER COUNCIL MATTERS

OC1. ANNUAL REPORT ON THE 2014 RACIAL PROFILING DATA.

Person presenting this item: Amy Knoll, Acting Chief of Police

BRIEF: A report is submitted to City Council, pursuant to state law and Cleburne Police Department's General Order 200.053 directing such report shall be made annually to the governing body of the City of Cleburne.

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1 AND LOTS 2 THRU 6, BLOCK 2 PRAIRIE VIEW FARMS ADDITION (BEING 15.949 ACRES IN THE JESSE CASON SURVEY ON VAUGHN ROAD), AS REQUESTED BY ROBERT P CRUEY.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: The Planning and Zoning Commission considered this at its February 9, 2015 meeting. The purpose for this plat is to create four residential lots. The zoning for the surrounding property is SF-4 (Single Family Dwelling District), and IH (Interim Holding District). The Comprehensive Land Use Plan shows this area to be Sustainable Community and the surrounding land use is Sustainable Community. P&Z recommended approval of the Final Plat by a vote of 6-0.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss creating and advertising requests for proposal for economic development of old Royce Pharmacy property located at 8 N Caddo St – Clint Ishmael
- B. Discuss proposal by JCSUD to contract with Newgen Strategies & Solutions to develop a water purchase agreement – Courtney Coates
- C. Discuss pavement management services by Infrastructure Management Services – Rod Hogan
- D. Discuss amending Code of Ordinances Title IX: General Regulations, Chapter 90: Airport, Section 90.035 Fees Levied and Imposed – Amy Knoll

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

A. § 551.074. Personnel Matters; Closed Meeting

(a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. Interim City Manager
2. Deputy City Manager

B. § 551.071. Consultation with Attorney; Closed Meeting; and § 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting

This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

1. Discuss economic development project and funding options

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT:



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.