



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 14, 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:

- ✓ Dan O'Leary, Interim City Manager
- ✓ Rob Severance, Deputy 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 Zane Mitchell, Deeper Life Christian Fellowship

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamations: National Telecommunicator's Week, April 12-18, 2015
National Volunteer Week, April 12-18, 2015

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 MARCH 24, 2015 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ENGAGING GABRIEL, ROEDER, SMITH & COMPANY FOR ACTUARIAL SERVICES.

Person presenting this item: Marcie Freelen, Assistant Director of Finance

BRIEF: This interlocal agreement will specifically address purchasing actuarial services through the NCTCOG's cooperative purchasing program. These services, conducted by the consulting firm Gabriel, Roeder, Smith & Company, will provide an actuarial study of the city's Other Post Employment Benefits (OPEB). This information is required by the Government Accounting Standards Board (GASB) and is included in the annual financial statements and annual audit. The study must be updated every two years. The previous study was thru December 31, 2012 and covered two subsequent fiscal years. This study will provide the valuations for the fiscal years 2014-15 and 2015-16.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2015.

Person presenting this item: Marcie Freelen, Assistant Director of Finance

OC2. AUTHORIZE EXPENDITURE OF FUNDS FROM HOTEL OCCUPANCY TAX FUND 07 DIRECTED TO THE CLEBURNE CHAMBER OF COMMERCE FOR THE 2015 SUMMER CONCERT SERIES.

Person presenting this item: Dan O'Leary, City Manager

BRIEF: The City Council approved with the 2014-15 annual budget an amount of \$40,000 to be used by the Cleburne Chamber of Commerce to conduct three summer concerts in Market Square. This action will allow the City to move funds from the Hotel Occupancy Tax fund to the Cleburne Chamber of Commerce for these events.

OC3. APPROVE THE 2014 ANNUAL REPORT FOR THE TAX INCREMENT FINANCING REINVESTMENT ZONE #3.

Person presenting this item: Jessica James, Economic Development Manager

BRIEF: The Tax Increment Financing Reinvestment Zone No. 3 Board of Directors met on March 25, 2015, where they reviewed and approved the 2014 Annual Report. The report was prepared by TIF Consultant Larry Cline. The report has been reviewed by the City's Finance Department and other staff and is being submitted for Council's approval.

OC4. CONFIRM JOHNSON COUNTY'S APPOINTMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 BOARD OF DIRECTORS.

Person presenting this item: Jessica James, Economic Development Manager

BRIEF: Commissioners Court met on March 3, 2015, and approved the appointment of Commissioner Rick Bailey to the Tax Increment Financing Board #1 to represent Johnson County and serve in the place of former Commissioner Don Beeson for the remainder of his term which expires June 12, 2016.

OC5. CONFIRM JOHNSON COUNTY'S APPOINTMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE #2 BOARD OF DIRECTORS.

Person presenting this item: Jessica James, Economic Development Manager

BRIEF: Commissioners Court met on March 23, 2015, and approved the appointment of Commissioner Larry Woolley to the Tax Increment Financing Board #2 to represent Johnson County and serve in the place of former Commissioner Don Beeson for a two-year term expiring April 14, 2017.

RESOLUTIONS

RS2. A RESOLUTION ESTABLISHING AND APPOINTMENT OF A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR THE PURPOSE OF ADVISING THE COUNCIL ON CAPITAL IMPROVEMENT PLANS AND IMPACT FEE PROGRAM FOR WATER, WASTEWATER FACILITIES AND ROADS.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: Chapter 395 of the Texas Local Government Code requires the City to appoint a Capital Improvements Advisory Committee for the purpose of making recommendations to the City Council concerning capital improvement plans for water, wastewater facilities, roads and impact fees for such. Staff recommends the Planning and Zoning Commission be appointed as the Advisory Committee as provided in Section 395.058 Texas Local Government Code along with one representative of the real estate, development or building industry. Eric Dumas has agreed to be the ad hoc representative if so appointed.

RS3. A RESOLUTION APPROVING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE #3 PROJECT PLAN.

Person presenting this item: Jessica James, Economic Development Manager

BRIEF: The Capital Improvement Project Plan for TIF 3 was established in 2011 and needs to

be amended in order to reimburse seed money to the City for \$100,000 and administration fees for the life of the TIF. On March 25, 2015, City and County TIF Board of Directors voted unanimously to approve these amendments to the Project Plan. The changes must be approved by City Council.

ORDINANCES

OR1. *PUBLIC HEARING* ORDINANCE APPROVING A SPECIAL EXCEPTION USE PERMIT FOR REDUCTION OF REQUIRED PARKING SPACES LOCATED AT 1929 SPARKS DRIVE, AS REQUESTED BY LA MODERNA FOODS, INC.

Person presenting this item: Courtney Coates, Development Services Manager

BRIEF: As authorized by the Ordinance adding Section 155.16 to the Code of Ordinances providing for Special Exception Use Permits for Parking Space requirements, a request has been received from La Moderna Foods Inc., represented by Tolin Navarrete. This is to consider issuance of a Special Exception Use Permit for the property located at 1929 Sparks Drive for a pasta manufacturing plant. The business will not have any retail space. The total employee count at most will be 96 and will be divided into three 8 hour shifts. The overall building will be 155,447 sq ft of which 11,551 sq ft will be used for office space, 55,447 sq ft used for storage/distribution and 82,777 sq ft used for factory/support space. Per City Ordinance, 155 parking spaces are required with this square footage. La Moderna Foods Inc. is proposing 99 parking spaces which will provide more than double the requirement if the 1 space per 2 employee definition is used. This quantity will still support any future growth that they may experience.

OTHER COUNCIL MATTERS

OC6. REPORT AND ACCEPTANCE OF THE SEPTEMBER 30, 2014 AUDIT FOR THE CITY OF CLEBURNE.

Person presenting this item: Marcie Freelen, Assistant Director of Finance

BRIEF: Section 8.12 of the City of Cleburne Charter states that an independent auditor will perform the annual audit. The September 30, 2014 audit results are reported by the audit firm of Crowe Horwath LLP.

OC7. APPOINTMENTS TO THE LIBRARY ADVISORY BOARD.

Person presenting this item: Burton Barr, Parks and Recreation Coordinator

BRIEF: The Terms of Library Board members Lora Dooley and Martin Griffith have expired. We respectfully request the appointments of Marcella Donovan and Cydney Graham for these two vacancies. Both have been contacted and are willing to serve. Also, Ms Diana Leonard's 1st term expired March 12th and she is willing to serve a second term if reappointed.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss late hours for the sale of alcohol – Dan O'Leary
- B. Update on the Sparks injection well – Courtney Coates
- C. Code update component review, presented by Mosaic Planning and Development Services – Courtney Coates

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. § 551.071. Consultation with Attorney

- 1. Legal advice concerning gas audit and gas well inspection fee
- 2. City of Cleburne v. City of Joshua
- 3. City of Cleburne v. Godley, Cause No. C201200717

B. § 551.074. Personnel Matters

- 1. Duties of the City Manager

C. §551.071. Consultation with Attorney; and §551.087. Deliberation Regarding Economic Development Negotiations

- 1. Discuss an 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.