



REGULAR CITY COUNCIL MEETING AGENDA

MAY 26, 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
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Fritz Quast, City Attorney

Division Directors:

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

Department Heads:

- ✓ Jessica James, Economic Development
- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Reverend Joe Ardy

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Presentation – STARS Award Recipient

Community Powered Revitalization Wrap-up, presented by 6 Stones Mission Network

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 MAY 12, 2015 REGULAR COUNCIL MEETING AND MAY 15, 2015 SPECIAL COUNCIL MEETING.**RS1. A RESOLUTION AUTHORIZING CONTRACT WITH EVANS CONSTRUCTION FOR BUILDING REPAIRS AT THE CLEBURNE POLICE DEPARTMENT FOR A TOTAL COST OF \$32,362.**

Person presenting this item: Burton Barr, Parks & Recreation Manager

BRIEF: This expenditure provides an update to the interior of the Police Station. The scope of work includes preparing and painting of interior walls, replacement of countertops, bathroom fixtures, and partitions. Additionally, this expenditure replaces worn carpet and tile in multiple areas. Three local vendors bid on the project, so all competitive bid requirements have been met.

RS2. A RESOLUTION AUTHORIZING CONTRACT WITH VERIZON WIRELESS FOR THE PURCHASE OF MOBILE TABLETS FOR THE CITY/COUNTY TRANSPORTATION BUS FLEET FOR A TOTAL COST OF \$26,621.

Person presenting this item: Grady Easdon, City/County Transportation Manager

BRIEF: These tablets are to replace aging and malfunctioning Mentor Ranger data terminals currently being used in the bus fleet. The new tablets are much more reliable, user-friendly and have capabilities not available in current units. Routematch is the provider of our scheduling and tracking software, and these tablets interface seamlessly with that software. Funding is provided by a TxDOT grant in the amount of \$26,890 for one year which covers this upgrade.

OR1. AN ORDINANCE AMENDING 2014-2015 ANNUAL BUDGET (#8) BY ALLOCATING \$90,500 FROM SPECIAL REVENUE FUND, MINERAL LEASES & ROYALTIES (FUND 21) TO GENERAL FUND (01), NON-DEPARTMENTAL, PROFESSIONAL SERVICES (0139-8664).

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

BRIEF: See attached memo. This action puts funds in place to pay for expenses related to the land option agreements with four property owners at the southwest corner of Hwy 67 and Nolan River Road in Cleburne. The funds are being moved from the Mineral Leases and Royalties (Fund 21) to accommodate these expenses.

OC1. APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF APRIL 2015.

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

OC2. APPROVE FINAL PLAT OF LOTS 1 THRU 3, BLOCK 1, MARSH ADDITION (BEING 4.144 ACRES IN THE CITY'S ETJ, 4104 CR 801); AS REQUESTED BY ERNIE & DEBBIE MARSH, REPRESENTED BY TRANS TEXAS SURVEYING.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: The Planning and Zoning Commission considered this at its May 11, 2015 meeting. The purpose for this plat is to create three residential lots. The Comprehensive Land Use Plan shows this area to be Sustainable Community and surrounding area to be Sustainable Community and Future TND. P&Z recommended approval of this plat by a vote of 6-0.

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING SETTLEMENT AND RELEASE AGREEMENT WITH THE CITY OF GODLEY REGARDING CAUSE NO. C201200717, 413TH DISTRICT COURT.

Person presenting this item: Fritz Quast, City Attorney

BRIEF: On November 27, 2012, the City of Cleburne filed a civil petition in Johnson County, 413th District Court (Cause No. C201200717) with the City of Godley, Texas regarding a dispute of annexed territory and its extraterritorial jurisdiction. On September 4, 2014, the City Council approved a Memorandum of Understanding to establish the framework for the terms and conditions of a settlement agreement between the parties. Upon agreement of such terms and conditions, the City Council has considered a Settlement and Release Agreement for the purpose of resolving said disputed litigation.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 1.046 ACRES LOCATED AT 1400 KILPATRICK COURT FROM SF4 (SINGLE FAMILY DWELLING) TO C3 (COMMERCIAL); AS REQUESTED BY BRENDA WEBB.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: The Planning and Zoning Commission considered this at its May 11, 2015 meeting. The purpose for this request is for future commercial purposes. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), A (Agricultural District), C2 (General Business District), and C3 (Commercial District). The Comprehensive Land Use Plan shows this area and surrounding area to be Traditional Neighborhoods. P&Z recommended that the property be rezoned to C2 (General Business District) by a vote of 6-0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 28.078 ACRES LOCATED AT 2191 DOVE CREEK ROAD FROM IH (INTERIM HOLDING) TO SF4 (SINGLE

FAMILY DWELLING); AS REQUESTED BY ELAINE SULLIVAN, REPRESENTED BY STEVEN CREWS.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: The Planning and Zoning Commission considered this at its May 11, 2015 meeting. The purpose for this request is to build a single residential home. The zoning for the surrounding property is IH (Interim Holding) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Sustainable Community. P&Z recommended approval of the rezone with a vote of 6-0.

OR4. *PUBLIC HEARING* AN ORDINANCE GRANTING SIGN VARIANCES FOR 4 NEW SIGNS LOCATED AT 2235 NORTH MAIN STREET; AS REQUESTED BY LONE STAR DODGE, REPRESENTED BY TAYLOR TOMPKINS.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: Owners of Lone Star Dodge are requesting a variance to the sign ordinance to allow installation of 4 signs to the front elevation of the building and 1 sign to the service center. The ordinance currently in place allows 1 sign facing a street to identify the business.

OR5. AN ORDINANCE RESCINDING ORDINANCE # OR05-2015-30 AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 120: ALCOHOLIC BEVERAGES, SECTION 120.05 HOURS OF SALE OF ALCOHOLIC BEVERAGES TO ALLOW FOR LATE HOURS ON THURSDAY, FRIDAY AND SATURDAY EVENINGS.

Person presenting this item: Dan O’Leary, Interim City Manager

BRIEF: Consider an ordinance to rescind OR05-2015-30 concerning acceptance of TABC Late Hours permit. Review by staff prompted research as to whether this action was in conflict with state law. Opinions by both the TABC and our attorneys with TOASE confirm the need to rescind this action and bring the item back to council for consideration.

OR6. AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 120: ALCOHOLIC BEVERAGES, SECTION 120.05 HOURS OF SALE OF ALCOHOLIC BEVERAGES TO ALLOW FOR LATE HOURS.

Person presenting this item: Dan O’Leary, Interim City Manager

BRIEF: A request has been received for the Council to consider amending the City’s Code allowing extended hours for the sale of mixed beverages/beer at On-Premise and Private Club facilities. Before a business can apply for and obtain a “Late Hours Permit” and sell until 2:00am, a city must adopt extended hours in accordance with the Texas Alcoholic Beverage Code.

OR7. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR UTILITY EASEMENT TO THE NORTH TEXAS TOLLWAY AUTHORITY (NTTA).

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: The City has a utility easement that is now under the Chisholm Trail Parkway. All utilities have been relocated to a new utility easement that was required during construction of the CTP. This quitclaim deed will transfer those property rights to NTTA.

OR8. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DEEDS WITHOUT WARRANTY FOR PROPERTIES LOCATED AT 537 PHILLIPS STREET TO 6 STONES MISSION NETWORK; AND RELEASING ALL LIENS AND ENCUMBRANCES.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: This property was struck off to the City of Cleburne on March 14, 2013. The property is in disrepair and was condemned by the City in July of 2011. The appraised value of the property is \$14,772.00. Accumulated taxes on the property totaled \$7,041.81 prior to the property being struck off to City and a total of \$2,712 for mowing liens. Deeding this lot to 6Stones Mission Network will revitalize the property for low-to-moderate income families desiring to enter homeownership and will bring it back to productive use. Proceeds from the sale of the house will be utilized to revitalize other properties in Cleburne through the Community Powered Revitalization (CPR) program.

OR9. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DEEDS WITHOUT WARRANTY FOR PROPERTIES LOCATED AT 812 NORTH WILHITE STREET TO 6 STONES MISSION NETWORK; AND RELEASING ALL LIENS AND ENCUMBRANCES.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: This property was struck off to the City of Cleburne on June 18, 2014. The appraised value of the property is \$10,552.00. Accumulated taxes on the property totaled \$3,353.53 prior to the property being struck off to City and a total of \$3,311.00 for mowing/demolition liens. Deeding this lot to 6Stones Mission Network will revitalize the property for low-to-moderate income families desiring to enter homeownership and will bring it back to productive use. Proceeds from the sale of the house will be utilized to revitalize other properties in Cleburne through the Community Powered Revitalization (CPR) program.

OR10. *PUBLIC HEARING* AN ORDINANCE APPROVING SETTLEMENT FOR 2014 AND 2015 RATE REVIEW FOR ATMOS ENERGY CORPORATION.

Person presenting this item: Rob Severance, Deputy City Manager

BRIEF: The City of Cleburne is a member of Atmos Cities Steering Committee (ACSC). The ACSC Executive Committee has reached a settlement with Atmos Mid-Tex that resolves all issues related to the Company's 2014 RRM rate filing, as well as the 2015 RRM rate filing. The ACSC Executive Committee, its consultants, and ACSC's general counsel recommend that each member of ACSC adopt the Ordinance.

OR11. AN ORDINANCE DISANNEXING TERRITORY OF THE CITY OF CLEBURNE AND AMENDING THE BOUNDARY LIMITS FOR PORTION OF PARCEL 9:

NORTHWEST PARCEL NEAR COUNTY ROAD 1009.

Person presenting this item: Fritz Quast, City Attorney

BRIEF: The City of Cleburne is a home rule city. Section 43.142 of the Texas Local Government Code provides that a home rule city may disannex an area in the municipality according to rules as may be provided by the charter of the municipality. Section 1.3 of the City Charter of the City of Cleburne provides for the disannexation of territory in any manner and by any procedure that may be hereafter provided by law. The City Council hereby finds that the following territory currently is suitable for disannexation pursuant to the settlement agreement reached between the City of Cleburne and the City of Godley in the case *City of Cleburne, Texas v. City of Godley, Texas*, Cause No. C201200717, in the 413th District Court of Johnson County, Texas. A map accurately reflecting the settlement boundaries agreed upon by the City of Cleburne and the City of Godley in Cause No. C201200717 is attached and incorporated for all purposes. A map accurately reflecting the property to be disannexed is also attached.

OR12. AN ORDINANCE DISANNEXING TERRITORY OF THE CITY OF CLEBURNE AND AMENDING THE BOUNDARY LIMITS FOR PORTIONS OF PARCEL 10 AND 11: SOUTHWEST PARCEL NEAR FM4.

Person presenting this item: Fritz Quast, City Attorney

BRIEF: The City of Cleburne is a home rule city. Section 43.142 of the Texas Local Government Code provides that a home rule city may disannex an area in the municipality according to rules as may be provided by the charter of the municipality. Section 1.3 of the City Charter of the City of Cleburne provides for the disannexation of territory in any manner and by any procedure that may be hereafter provided by law. The City Council hereby finds that the following territory currently is suitable for disannexation pursuant to the settlement agreement reached between the City of Cleburne and the City of Godley in the case *City of Cleburne, Texas v. City of Godley, Texas*, Cause No. C201200717, in the 413th District Court of Johnson County, Texas. A map accurately reflecting the settlement boundaries agreed upon by the City of Cleburne and the City of Godley in Cause No. C201200717 is attached. A map accurately reflecting the property to be disannexed is also attached.

OTHER COUNCIL MATTERS

OC3. APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: Mr. Brannon Potts' term expired 7/28/13 and has moved out of town. Mr. William Ward served on the P&Z Commission in previous years and has submitted a new application. Staff recommends his appointment to the ZBA Board.

OC4. APPOINTMENTS TO THE BUILDING AND STANDARDS COMMISSION.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: The first two-year terms for three board members have recently expired or will be

expiring soon and they have all agreed to serve another term. Staff requests that Robert Ledlow, Roy Cook and Beth Swatzell be reappointed to another term.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss administrative fees and charges for liens filed for code enforcement and Building & Standards' actions – Clint Ishmael

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; Closed Meeting

A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Annexation settlement with the City of Godley
2. Annexation settlement with the City of Joshua

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.