



REGULAR CITY COUNCIL MEETING AGENDA

AUGUST 11, 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
- ✓ Terry Leake, Finance
- ✓ Clint Ishmael, Fire Services
- ✓ Amy Knoll, Police Services
- ✓ Debra Powledge, Human Resources

Department Heads:

- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Presentation – STARS Award Recipient – Kim Burris

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 JULY 28, 2015 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING ANNUAL CONTRACTS FOR SEVEN WATER TREATMENT CHEMICALS.

Person presenting this item: Steve Hill, Water Superintendent

BRIEF: Contracts for the annual supply of seven water treatment chemicals will soon expire and staff has contacted the vendors for possible renewal. Most of the chemicals were originally bid and awarded in 2011 and 2013. This is the final contract renewal for these bids.

Bids were received and awarded in 2011 for the following chemicals. Each of the vendors are willing to renew their contracts. Pricing will be as follows:

Item Description	Bidder Name	Item Cost
Item 1 - Sodium Bisulfite	Southern Ionics	\$1.55/gal (2014-2015 cost: 1.55)
Item 2 - Chlorine Liquefied Gas	DPC Industries	\$620.00/ton (2014-2015 cost: 620.00)
Item 3 - Potassium Permanganate	Brenntag	\$2.90/lb (2014-2015 cost: 2.90)
Item 4 - Liquid Ammonium Sulfate	Brenntag	\$215.00/ton (2014-2015 cost: 215.00)

Bids were received and awarded in 2013 for the following chemicals. This vendor is willing to renew their contract. Pricing will be as follows:

Item Description	Bidder Name	Item Cost
Item 5 - Powdered Carbon	Brenntag	\$599.00/super sack (2014-2015 cost: 599.00)
Item 6 - Anti Foam Concentrate	Brenntag	\$625.50/55 gal container (2014-2014 cost: 625.50)

We were unable to renew the contract with current supplier, Pencco, for Ferric Sulfate, due to a significant cost increase that was greater than the contract stated CPI increase. Therefore, sealed bids were solicited for this chemical. Three bids were received. The lowest, most responsible bid was received from Chemtrade. Pricing will be as follows:

Item Description	Bidder Name	Item Cost
Item 7 - Ferric Sulfate	Chemtrade	\$117.98/ton

RS2. A RESOLUTION APPROVING CONTRACT WITH GARVER USA FOR CONSTRUCTION ADMINISTRATION AND MATERIALS TESTING FOR THE HANGAR 98 IMPROVEMENT PROJECT AT THE CLEBURNE REGIONAL AIRPORT FOR AN AMOUNT OF \$30,297.00.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Council initially approved the cost of engineering services for the Hangar 98

Improvement project on August 26, 2014 in the amount of \$28,300.00. This cost was for the plans and specifications as well as bidding services for the project. The additional services for the remainder of the project, contract administration and materials testing services, will increase the cost to Garver USA by \$30,297.00, which will bring the total cost of engineering services to \$58,597.00.

RS3. A RESOLUTION AUTHORIZING CONTRACT RENEWAL WITH CROWE HORWATH FOR ANNUAL AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Crowe Horwath has a dedicated governmental division which provides year round support to the City. This is the second of three (3) one year options to renew this contract. Attached is the audit engagement and most recent peer review. The contract includes the audit of the City's basic financial statements for the fiscal year ending September 30, 2015, OMB A-133 Audit (for federal fund recipient compliance), Texas Commission on Environmental Compliance Quality (TCEQ) computation assurances, HUD SAS29 letter.

OC1. SCHEDULE AND HOLD PUBLIC HEARING FOR THE ADOPTION OF THE 2015-2016 BUDGET ON SEPTEMBER 22, 2015 AT 5:00PM DURING THE REGULARLY SCHEDULED CITY COUNCIL MEETING.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states "At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof." To be in compliance with the Charter requirement, the City Council is stating its intent to schedule and hold the public hearing to adopt the budget on September 22, 2015, at 5:00pm, which is a regularly scheduled meeting of the City Council.

OC2. APPROVAL AND ADOPTION OF THE 2015 CERTIFIED TAX ROLL AS SUBMITTED BY JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On July 24, 2015, Jim Hudspeth, Chief Appraiser of Johnson County Appraisal District, certified the 2015 tax roll to be levied October 1, 2015 (Fiscal Year 2015-2016), in the amount of \$1,765,624,911. This total includes \$33,054,536 that is the value of properties currently under appeal to the Appraisal Review Board, which \$9,916,361 is anticipated to be a value loss. The two amounts net to a total \$1,755,708,550 in the projected assessed valuation, and are the totals that are used to calculate the effective tax rate. Included in this total are new construction values of \$12,308,143. This represents a total increase of 4.76% over the current year's valuation of \$1,646,685,823, and the value of existing property on the tax roll increased by 4.01%. The value for properties located outside of the three Tax Increment Financing (TIF) Districts is \$1,744,740,937. The incremental value for the properties within the three TIF Districts are as

follows: TIF #1 - \$18,192,566, TIF #2 - \$10,904,957, and TIF #3 - \$10,967,613. Per the 2015 Effective Tax Rate and Rollback Calculation Worksheet, the calculated effective tax rate is \$.774420 and the calculated debt rate is \$.843723.

OC3. APPROVAL OF FINAL PLAT OF LOT 1, BLOCK 1, CHAD ALLEN ADDITION (BEING 18.186 ACRES LOCATED IN MCANEAR SURVEY); AS REQUESTED BY CHAD ALLEN, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: P&Z considered this at its July 27, 2015 meeting. The purpose of this plat is to create an industrial lot. The zoning for this property is M2 (Heavy Industrial District) and M1 (Light Industrial District). The zoning for the surrounding property is M2 (Heavy Industrial District), M1 (Light Industrial District) & PD (Planned Development). The Comprehensive Land Use Plan shows this area to be Regional Corridor. The surrounding land use is Regional Corridor. P&Z recommended approval of this plat by a vote of 6-0.

RESOLUTIONS

RS4. A RESOLUTION STATING THE CITY COUNCIL'S INTENT TO ADOPT A TAX RATE OF \$.804018 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2015-2016 AND SCHEDULE PUBLIC HEARINGS FOR THE TAX RATE AS REQUIRED BY SB1510.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 26 of the Texas Property Tax Code requires taxing units to comply with "Truth-in-Taxation" laws in setting tax rates and performing an effective tax rate calculation. These laws require that specific steps be taken for a taxing unit to adopt a tax rate each year. The Fiscal Year 2015-2016 effective tax rate is \$0.774420 utilizing the July 25, 2015 certified tax roll as the basis for calculation. The proposed rate for 2015-2016 is \$0.804018 per \$100 of valuation. This is the rate presented to City Council at the budget workshop on August 8, 2015. This rate is unchanged from Fiscal Year 2014-2015, and, if adopted, would be the third straight year with this proposed tax rate. As this current and proposed tax rate of \$0.804018 is higher than the effective tax rate \$0.774420, legislation requires that a city take several actions to be in compliance with Chapter 26 of the Texas Property Tax Code. The City must publish the "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Cleburne". This notice will be published on August 14, 2015 in the Cleburne Times-Review.

The adoption of the proposed resolution and publication of this rate will provide the City Council with the latitude to adopt a tax rate up to this stated rate of \$0.0804018, which is below the rollback rate. Additionally, formal City Council action is required to have the information necessary to publish the "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Cleburne", as required by Section 140.010 of the Local Government Code. As the proposed tax rate is higher than the effective tax rate, the taxing unit's governing body, the City Council, must have a record vote to have hearings at two future council meetings to adopt a tax rate. Staff

recommends the hearings be held at City Hall on August 25, 2015 at 5:00pm and September 8, 2015 at 5:00pm, both are regularly scheduled council meetings.

As a point of reference, the effective tax rate sets the interest and sinking rate (Debt Service rate) at \$0.147800. The remainder of the tax rate of \$0.656218 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the 2015-2016 tax rate will reflect these rates, as required by the effective tax rate calculation. The proposed 2015-2016 tax rate is scheduled for City Council adoption at the regularly scheduled council meeting on September 22, 2015.

RS5. A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF CLEBURNE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION SERIES 2015.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Prior to issuing Certificates of Obligation, Chapter 551 of the Texas Government Code requires that a City Council adopt a resolution stating its intent to issue Certificates of Obligation. There is a planned issuance of Certificates of Obligation in an amount not to exceed \$10,000,000 at the September 22, 2015 Council meeting for the following purposes: (a) constructing, installing and acquiring additions, extensions and improvements to the City's waterworks and sewer system; (b) designing, developing, constructing, improving and expanding streets and thoroughfares, sidewalks, bridges, and other public ways of the City including street lighting, right-of-way protection, and related storm drainage improvements; and (c) acquiring rights-of-way in connection with (a) and (b) together and paying professional services of attorneys, financial advisors and other professionals in connection with the aforementioned purposes and the issuance of the Certificates of Obligation. The notice will be published in the Cleburne Times-Review on Sunday, August 18, 2015 and August 25, 2015.

RS6. A RESOLUTION ACCEPTING BID AND AUTHORIZING CONTRACT WITH LYNSS CONSTRUCTION FOR 2015 STREET IMPROVEMENT PROJECT (GRANBURY ST AND MORGAN ST/MANSFIELD RD) IN THE AMOUNT OF \$1,396,370.

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

BRIEF: Sealed bids were solicited for the 2015 Street Improvement Project on Granbury Street and Morgan St/Mansfield Rd. Per the bid tabulation, there was one bid received. This bid was from Lynss Construction with a base bid and two alternate bid options. The recommended option is to award the base bid and alternate bid #2 in the amount of \$1,326,370.00 with a \$70,000.00 contingency for a total project cost of \$1,396,370.00. The alternate bid # 2 specifies 6" of concrete to be used in place of asphalt.

ORDINANCES

OR1a. AN ORDINANCE ORDERING A SALES AND USE TAX ELECTION TO BE HELD ON NOVEMBER 3, 2015 IN THE CITY OF CLEBURNE FOR THE

PURPOSE OF SUBMITTING PROPOSITIONS TO THE ELECTORS REGARDING ECONOMIC DEVELOPMENT SALES TAX.

OR1b. AN ORDINANCE ORDERING A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 3, 2015 IN THE CITY OF CLEBURNE FOR THE PURPOSE OF SUBMITTING A PROPOSITION TO THE ELECTORS REGARDING ECONOMIC DEVELOPMENT.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: These Ordinances constitute the Order and Calling of a Special Election for the City of Cleburne, Texas, to be held on Tuesday, November 3, 2015. This election will be held for the purpose of submitting three propositions to the electors regarding economic development sales tax. The Johnson County Elections office has been contacted requesting that they administer the election on our behalf in conjunction with the State Constitutional Amendment election. The County will establish the special election polling locations and times.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING .17 ACRES LOCATED AT 409 ELMO ST FROM M1 TO SF4; AS REQUESTED BY JOHN VOLKMAN.

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

BRIEF: The Planning and Zoning Commission considered this at its July 27, 2015 meeting. This is a request to rezone in order to build a home. The zoning for the surrounding property is M1 (Light Industrial District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area to be Central City East. The surrounding land use is Central City East and Village. P&Z recommended approval by a vote of 6-0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING .1673 ACRES LOCATED AT 912 N BRAZOS ST FROM C1 TO SF4; AS REQUESTED BY DEYEDRUA QUIGLEY.

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

BRIEF: The Planning and Zoning Commission considered this at its July 27, 2015 meeting. This request is to be in compliance with the current use of the property. The zoning for the surrounding property is C1 (Local Business District), SF-4 (Single-Family Dwelling District), M1 (Light Industrial District) and M2 (Heavy Industrial District). The Comprehensive Land Use Plan shows this area to be Center City East and Transportation and Industry. The surrounding land use is Center City East and Transportation & Industry. P&Z recommended approval by a vote of 6-0.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 12.652 ACRES LOCATED AT 3723 N MAIN ST FROM M1 TO M2/SUP (FOR A SALVAGE YARD); AS REQUESTED BY RICHARD SCHIRO, REPRESENTED BY GREGORY M HILL.

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

BRIEF: The Planning and Zoning Commission considered this at its July 27, 2015 meeting. This

is a request to accommodate a Salvage Yard/Recycling Center. The zoning for the surrounding property is M1 (Light Industrial District), M2 (Heavy Industrial District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be Approach Corridor and Traditional Neighborhoods. The surrounding land use is also Approach Corridor and Traditional Neighborhoods. P&Z recommended denial by a vote of 6-0.

OTHER COUNCIL MATTERS

OC4. *PUBLIC HEARING* APPROVAL OF REPLAT OF LOTS 9R AND 10R, BLOCK 117, COLLEGE HEIGHTS ADDITION (BEING .321 ACRES LOCATED AT 817 PHILLIPS ST); AS REQUESTED BY BRITT PROPERTIES, INC, 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 July 27, 2015 meeting. The purpose for this plat is to create two residential lots. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Traditional Neighborhoods and Center City North. P&Z recommended approval by a vote of 6-0.

OC5. *PUBLIC HEARING* APPROVAL OF FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, SIKES ADDITION (BEING .54 ACRES LOCATED IN JAMES PENNINGTON SURVEY); AS REQUESTED BY BRITT PROPERTIES, INC, 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 July 27, 2015 meeting. The purpose for this plat is to create two residential lots. The zoning for this property is SF-4 (Single-Family Dwelling District). The zoning for the surrounding property is SF-4 (Single Family Dwelling District), MF (Multi-Family Housing District) and D (Duplex Dwelling District). The Comprehensive Land Use Plan shows this area to be Traditional Neighborhoods. The surrounding land use is Traditional Neighborhoods and Center City West. P&Z recommended approval by a vote of 6-0.

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.**

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.