



## REGULAR CITY COUNCIL MEETING AGENDA

**AUGUST 25, 2015**

**5:00 PM**

**CITY HALL COUNCIL CHAMBERS**

**10 NORTH ROBINSON STREET**

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

#### **Department Heads:**

- ✓ Willie Resto, Information Technology

#### **Media:**

- ✓ Matt Smith, Times-Review

### **II. INVOCATION by Pastor Todd Barham, Hope Church**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

Proclamation – **Annual Reunion Day, CHS House System**, September 26 2015

Proclamation – **Blood Cancer Awareness Month**, September 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**

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**CONSENT ITEMS**

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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 AUGUST 11, 2015 REGULAR COUNCIL MEETING.**

**RS1. A RESOLUTION AUTHORIZING SUBMISSION OF THE PHA 5-YEAR PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

Person presenting this item: Sallie Watson, Housing Manager

BRIEF: Every five years the Housing Department is required to submit a plan to HUD summarizing our mission, goals and objectives, statement to promote fair housing, and certification of a drug-free workplace.

**RS2. A RESOLUTION AUTHORIZING LONG-TERM LEASE AGREEMENT WITH JOE AND CONNIE MITCHELL FOR HANGAR 2100 AT THE CLEBURNE REGIONAL AIRPORT.**

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Joe and Connie Mitchell are purchasing hangar 2100 from Panther Aviation and would like to enter into a long term lease. The requested term of the lease is twenty (20) years with a ten (10) year option at the end of the primary term.

**RS3. A RESOLUTION AUTHORIZING RENEWAL OF INTERLOCAL PURCHASING AGREEMENT WITH TXDPS FOR ALCOHOL TESTING SUPPLIES.**

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

BRIEF: The interlocal cooperation contract provides access to purchase intoxilyzer mouthpieces, alcohol blood test kits, urine specimen kits and/or syringe transport tubes. The objective of this contract is to establish uniform procedures for all Texas cities, counties and state Department of Public Safety operations.

**RS4. A RESOLUTION AMENDING RS03-2015-32 AUTHORIZING APPLICATION FOR CRIME DATA TECHNICIAN GRANT THROUGH THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION.**

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

BRIEF: The Criminal Justice Division requests that additional language be included in the resolution authorizing the Crime Data Technician grant application in the amount of \$28,564.00. Original approval for this application was granted by Council on 3/10/15 by RS03-2015-32. The revised resolution adds language stating that "in the event of loss or misuse of grant funds, the governing body will return all funds to CJD." This change is required prior to executing the grant contract.

**RS5. A RESOLUTION ADOPTING JOHNSON COUNTY HAZARD MITIGATION ACTION PLAN FOR THE CITY OF CLEBURNE.**

Person presenting this item: Randy Jenkins, Assistant Fire Chief

BRIEF: In accordance with Part 201.6(c)(5) of the Disaster Mitigation Act of 2000 (DMA 2000), Johnson County developed this Hazard Mitigation Action Plan. This plan identifies hazards and mechanisms to minimize future damages associated with these hazards, which threaten the City of Cleburne and Johnson County.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF JULY 2015.**

Person presenting this item: Terry Leake, Director of Finance

**OC2. APPROVE REPLAT OF LOT 1-R AND 2-R, BLOCK 1, STATE HWY 174 INDUSTRIAL ADDITION; REVISING LOT 1, BLOCK 1, LYNN SMITH ADDITION AND LOT 2, BLOCK 1, STATE HWY 174 INDUSTRIAL ADDITION (BEING 15.89 ACRES LOCATED AT 2408 N MAIN ST); AS REQUESTED BY PPL REAL ESTATE, LLC.**

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

BRIEF: The Planning and Zoning Commission considered this at its August 10, 2014 meeting. The purpose for this plat is to create two industrial lots. The zoning for the surrounding property is M1 (Light Industrial District), M2 (Heavy Industrial District) and IH (Interim Holding District). The Comprehensive Land Use Plan shows this area and surrounding area to be Industrial TDA. P&Z recommended approval of the plat by a vote of 6-0.

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**RESOLUTIONS**

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**RS6. A RESOLUTION AMENDING COMMUNICATIONS SYSTEM AGREEMENT WITH JOHNSON COUNTY FOR CONTINUED ACCESS TO THE RADIO SYSTEM.**

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

BRIEF: The County has determined the fee needs to be increased to offset increases by the County in the operation and management of the system from \$11.90 per month per radio to \$15.00 per month per radio, effective October 1, 2015. The difference is approximately \$6,101 more for the City of Cleburne.

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**ORDINANCES**

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***\*PUBLIC HEARING\****

**OR1. AN ORDINANCE REZONING 805 BRAZOS (BEING .2893 ACRES) FROM C1 (LOCAL BUSINESS) TO C2 (GENERAL BUSINESS); AS REQUESTED BY DIANA REYES.**

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

**BRIEF:** The Planning and Zoning Commission considered this at its August 10, 2014 meeting. This is a request accommodate a restaurant. The surrounding zoning is C1 (Local Business District), SF-4 (Single-Family Dwelling District), MF (Multiple-Family Housing District), D (Duplex Dwelling District) and M1 (Light Industrial District). The Comprehensive Land Use Plan shows this area and surrounding area to be Center City East and Transportation and Industry. P&Z recommended approval of the rezone by a vote of 4-2 with Dr. Bond and Ms. Chandler voting against the rezone.

***\*PUBLIC HEARING\****

**OR2. AN ORDINANCE AUTHORIZING VARIANCE FOR AN LED SIGN LOCATED AT 1410 WEST HENDERSON STREET, AS REQUESTED BY GOLDEN CHICK, REPRESENTED BY SUE BUTLER, STARLITE SIGNS.**

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

**BRIEF:** Owners of Golden Chick are requesting an electronic sign be installed at 1410 W. Henderson Street. The request was denied per Chapter 156: Appendix A, Table 1 pertaining to Electronic Signs, which states that an Electronic Sign must be a minimum of 500 feet from an existing electronic sign. The proposed sign is 450 square feet away from an existing one.

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**OTHER COUNCIL MATTERS**

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***\*PUBLIC HEARING\****

**OC3. HOLD 1<sup>ST</sup> PUBLIC HEARING ON THE FY 2015-2016 PROPOSED TAX RATE OF \$.804018 PER \$100 OF VALUATION AS REQUIRED BY THE TEXAS TAX CODE, CHAPTER 26.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in – Taxation” laws in setting tax rates. The calculated FY 2015-2016 effective tax rate is \$0.774420. The proposed rate for Fiscal Year 2015-2016 is \$0.804018 per \$100 of valuation. On August 11, 2015, the City Council adopted a resolution stating its intent to adopt a tax rate of \$0.804018. 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 of \$0.774420, legislation requires that the City Council hold two public hearings to provide the public the opportunity to speak on the proposed tax rate. This is the first of the two public meetings on the proposed tax rate. The second meeting will be held on

Tuesday September 8, 2015 at 5:00pm, during the regularly scheduled council meeting. As required by law, the City published the attached "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Cleburne" on August 14, 2015 in the Cleburne Times-Review.

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 Fiscal Year 2015-2016 tax rate will reflect these rates, as required by the effective tax rate calculation. The proposed FY 2015-2016 tax rate is scheduled for City Council adoption at the regularly scheduled council meeting on September 22, 2015.

#### **OC4. APPOINTMENT TO THE MUSEUM ADVISORY BOARD.**

Person presenting this item: Burton Barr, Community Services Manager

BRIEF: Ms. Mary Alice Layland's first term on the Museum Advisory Board expired July 23rd. Staff requests that she be reappointed to a second term. Ms. Layland has been contacted and has expressed a willingness to serve.

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### **WORKSHOP**

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#### **I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS**

- A. Review matrix for proposed changes to code of ordinances, Chapter 91: Animals – Dan O'Leary/Alexis Lozano

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### **EXECUTIVE SESSION**

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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.

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### **ADJOURNMENT**

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#### **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

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least two (2) working days prior to the meeting so that appropriate arrangements can be made.