



REGULAR CITY COUNCIL MEETING AGENDA
SEPTEMBER 8, 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
- ✓ 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 Chuck Gartman, Field Street Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation – National POW/MIA Recognition Days, September 18-20, 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 ON POSTED AGENDA ITEMS

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 AUGUST 25, 2015 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION APPROVING THE CITY'S THIRD QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2015.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officers and submitted to the governing body. The report should cover investment transactions for all funds covered by the Act for the preceding quarter.

RS2. A RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR THEIR ANNUAL CONTRIBUTION TO CITY/COUNTY TRANSPORTATION.

Person presenting this item: Grady Easdon, Transportation Manager

BRIEF: City/County Transportation needs to renew its annual interlocal agreement with Johnson County for their annual contribution to the program. The County requested in December of 2011 to enter into an interlocal agreement with the City of Cleburne each year, since the annual contribution is based on population, and is subject to fluctuate due to population changes. Each year, Johnson County contributes funds to the daily operation of City/County Transportation. These funds assist City/County Transportation with the local match portion that is required by our Federal grant funds. Johnson County's annual contribution for FY 2016 will be \$53,689.00. The Interlocal Agreement will be submitted to Johnson County Commissioners' Court for approval prior to expiration of the current agreement, which is 9/30/15.

OC1. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, JCSUD ADDITION (BEING 7.40 ACRES OF THE PHILLIP GOLDEN SURVEY IN THE CITY'S EXTRA TERRITORIAL JURISDICTION); AS REQUESTED BY JOHNSON COUNTY SPECIAL UTILITY DISTRICT, 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 August 24, 2015 meeting. The purpose for this plat is to create one lot. The Comprehensive Land Use Plan shows this area and surrounding area to be Sustainable Community. P&Z recommended approval of this plat by a

vote of 5-0.

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, SUNNY SMITH ACRES ADDITION (BEING 2.664 ACRES OF THE DAVID HUNTER SURVEY IN THE CITY'S EXTRA TERRITORIAL JURISDICTION); AS REQUESTED BY SUNNY SMITH.

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

BRIEF: The Planning and Zoning Commission considered this at its August 24, 2015 meeting. The purpose for this plat is to create one residential lot. The Comprehensive Land Use Plan shows this area and surrounding area to be Sustainable Community. P&Z recommended approval of this plat by a vote of 5-0.

ORDINANCES

OR1. *CONTINUE PUBLIC HEARING FROM 08/25/15* AN ORDINANCE REZONING 805 BRAZOS AVENUE (BEING .2893 ACRES, ORIGINAL CLEBURNE) 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 was postponed at the August 25, 2015 City Council meeting. This is to 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 to be Center City East. The surrounding area is Center City East and Transportation and Industry. Notifications were sent out to a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone by a vote of 4-2 with Dr. Bond and Ms. Chandler voting against the rezone.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 3.54 ACRES (LOCATED AT GRANBURY STREET AND PHILLIPS STREET) FROM SF4 (SINGLE FAMILY DWELLING) TO T (TOWNHOUSE); AS REQUESTED BY RBMW, LLC.

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

BRIEF: The purpose for this is to accommodate single-family attached residences. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), D (Duplex or Two-Family Dwelling District), M1 (Light Industrial) and CO (Non-Retail District). The Comprehensive Land Use Plan shows this area to be Traditional Neighborhoods. The surrounding land use is Traditional Neighborhoods and Center City North. The Planning and Zoning Commission considered this request on August 24, 2015 and recommended approval of the rezone with a vote of 5-0.

OTHER COUNCIL MATTERS

OC3. *PUBLIC HEARING* APPROVE REPLAT OF LOTS 1 THRU 23, BLOCK 1, GRANBURY PHILLIPS ADDITION (BEING 3.54 ACRES AT GRANBURY STREET AND PHILLIPS STREET); AS REQUESTED BY RBMW LLC, REPRESENTED BY MATT POWELL.

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

BRIEF: The Planning and Zoning Commission considered this at its August 24, 2015 meeting. The purpose for this plat is to create twenty-three residential lots. The zoning for the surrounding property is SF-4 (Single-Family Dwelling 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 and Center City North. P&Z recommended approval of the plat by a vote of 5-0.

OC4. *PUBLIC HEARING* APPROVE FINAL PLAT OF LOT 4R, BLOCK 3, CHOATE ADDITION (BEING .42 ACRES IN C CHANEY SURVEY, LOCATED AT 1202 AND 1204 EAST HENDERSON STREET); AS REQUESTED BY RICK AND T'RESA WEAVER, 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 August 24, 2015 meeting. The purpose for this plat is to create one commercial lot. The zoning for the surrounding property is C3 (Commercial District), D (Duplex Dwelling District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area to be Central Corridor. The surrounding land use is Central Corridor, Local Node and Village. P&Z recommended approval of the plat by a vote of 5-0.

OC5. *PUBLIC HEARING* APPROVE FINAL PLAT OF LOT 1R, BLOCK 1, SOLOMON'S ADDITION (BEING .496 ACRES LOCATED AT 496 PARK STREET); AS REQUESTED BY ASHLEY AND ANDY LAWRENCE.

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

BRIEF: The Planning and Zoning Commission considered this at its August 24, 2015 meeting. The purpose for this plat is to create one residential lot. The zoning for this property and surrounding property is SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Center City East. P&Z recommended approval of this plat by a vote of 5-0.

OC6. *PUBLIC HEARING* HOLD 2ND PUBLIC HEARING FOR THE DISCUSSION OF THE FY 2015-2016 PROPOSED TAX RATE OF \$.804018 PER \$100 OF VALUATION, AS REQUIRED BY CHAPTER 26 OF THE TEXAS TAX CODE.

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 FY 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 FY 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. The first of the two public hearings on the proposed tax rate was held on Tuesday, August 25, 2015. This is the second 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 FY 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.

OC7. APPOINTMENT TO THE PLANNING AND ZONING COMMISSION.

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

BRIEF: Mrs. Sharon Corder's second term expires 9/13/15. Mr. Christopher Combest has submitted an application and staff recommends his appointment.

OC8. APPOINTMENT TO THE PARKS & RECREATION ADVISORY BOARD.

Person presenting this item: Burton Barr, Community Services Director

BRIEF: The Parks & Recreation Board has a vacant seat due to the term completion of Brad Evans (2nd term exp 04/12/15). Betty Baldwin has submitted her application for consideration of the vacated seat.

OC9. APPOINTMENTS TO THE MUSEUM ADVISORY BOARD.

Person presenting this item: Burton Barr, Community Services Director

BRIEF: Both Phyllis McPherson's and Cheryl Webber's 2nd term expired August 23rd. Staff requests the appointment of Josh Turner & Richard Dickerson to fill these vacancies. Both have been contacted and have expressed a willingness to serve.

OC10. APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Person presenting this item: Burton Barr, Community Services Director

BRIEF: With the planning and design of the Cleburne Railroad Museum in the works, Council Members Gayle White and John Warren felt that it would be a great time to appoint additional members that would like to be involved in the process, so they have resigned their positions to allow the appointment of 2 citizens.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss update on the code of ordinances relating to signs, as presented by Mosaic Planning & 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.**

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.