



NOTICE OF REGULAR MEETING AND WORKSHOP OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING AND WORKSHOP SESSION** of the above named City will be held on the 13TH day of OCTOBER, 2015, at 5:00p.m., in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.

At which time the following subjects will be discussed, to-wit:

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, in the City Hall of said City in Cleburne, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on October 09, 2015, by 5:00 p.m.



City of Cleburne

By

Ivy Peterson, Deputy City Secretary



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.

Agenda Removal Notice

Date:

Initials:



REGULAR CITY COUNCIL MEETING AGENDA
OCTOBER 13, 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

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

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

Department Heads:

- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Pastor Donna Ware, St. Mark United Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

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

1. Downtown Historic District Task Force, as requested by Lynn Buker

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 SEPTEMBER 22, 2015 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION APPROVING A REVISED PROJECT PLAN FOR THE TIF REINVESTMENT ZONE #2.

Person presenting this item: Rob Severance, Deputy City Manager

BRIEF: The Tax Increment Financing District Reinvestment Zone No. 2 (TIF2) Board of Directors met on September 23, 2015, where they unanimously approved changes to the project plan, which was last revised on February 25, 2015. The proposed changes are:

1. Re-allocate \$10,000 from project #12 “TIF Creation & Ongoing Administration” to project #10 “Historic Preservation Consulting Services & Survey.” This is a re-allocation of the plan dollars with no bottom line project plan change.
2. Add project #13 “As an incentive for re-development of the downtown, provide government acquired and owned buildings and/or property to private developer’s ownership using performance or development agreements.” There are no plan dollars allocated to this item.

The TIF2 Board unanimously approved spending up to \$21,500 from project #10 for the second phase of the ARCHITEXAS proposal for historic preservation consulting services related to the establishment of a National Register district in downtown Cleburne.

The National Register is a listing of historic buildings, sites and districts. The list is kept by the National Park Service/Secretary of the Interior. Districts group buildings together that have a shared history or context such as downtown areas. Buildings that would not necessarily be eligible for listing individually can be listed as part of a larger district. A district should have at least 50% density of historic resources. A majority of owners within a district must agree to the listing. Listing on the register is honorary. There are no regulations or oversight associated with being on the National Register. Benefits include travel and tourism, eligibility for various incentive programs and variances for some accessibility requirements. There are also state and federal historic preservation tax incentives.

The revised plan has been reviewed by the City’s Finance Department and other staff and is being submitted for Council’s approval.

RS2. A RESOLUTION AUTHORIZING REIMBURSEMENT AND EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: In anticipation of a future issuance of Certificates of Obligation to fund water and sewer projects, City Council approved engineering design contracts with Childress Engineering to design the State Highway 174 North Interceptor Extension to the City Limits project (December 10, 2013) and the State Highway 174 South Sanitary Sewer Extension, Phase 1 (January 13, 2015). Through September 30, 2015, the City has spent \$268,188.52 on the design of these projects and \$26,215.00 on easement acquisition that would qualify for reimbursement by the funds to be received from the 2015 Certificates of Obligation authorized by City Council on September 22, 2015. Section 1.150-2(d) of Federal Treasury Regulations requires that the issuer of a reimbursement bond meet three primary requirements when allocating bond proceeds to a prior expenditure. These requirements are: 1) an official intent requirement; 2) a reimbursement period requirement; and 3) a nature of expenditure requirement. Adoption of this resolution meets requirement of official intent (1). As the engineering design fees and easement acquisition expenditures are for capital expenditures, this meets (3) nature of expenditure requirement for being capital expenditures. All qualifying project

expenditures will be reimbursed to the funds that made the original payment prior to the 18 month period requirement (2).

RESOLUTIONS

RS3. A RESOLUTION AFFIRMING NOMINATIONS FOR THE 2016-2017 BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY.

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

BRIEF: The Johnson County Appraisal District has offered the Council the ability to nominate candidates to be considered for board membership of the District. The Council may offer a possible candidate or not offer any as it chooses. All the taxing entities are offered the chance to nominate candidates and an election will be conducted in the near future. The City of Cleburne only gets 315 of the 5,000 votes and requires approximately 834 votes to secure a seat. To our knowledge, Kent Williams is the only Cleburne resident on the board of directors.

The current Board members include: Byron Black-Chairman, Bob Spurlin-Vice Chairman, Kent Williams-Secretary, Don Beeson and Tony Ford. Historically, Councils of the past nominated the current board members for re-election as a matter of course.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE CONTINUING TITLE XIII, CHAPTER 130: GENERAL OFFENSES, SECTION 130.18 "CURFEW HOURS FOR MINORS" FOR A THREE YEAR PERIOD.

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

BRIEF: This is the 2nd public hearing as state law requires that the Juvenile Curfew ordinance be reviewed and renewed every three years in order to keep it in force. The first public hearing was held at the September 22, 2015 Regular Council Meeting.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 205 ERIE FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO C1 (LOCAL BUSINESS DISTRICT), AS REQUESTED BY ENRIQUE & ANTONIA HERNANDEZ.

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

BRIEF: P&Z considered this at its September 28, 2015 meeting. This request is to build a beauty shop. The applicant owns the lot to the south of 205 Erie which is already zoned C1 (Local Business District) and is in the process of platting both lots into one lot. The zoning for the surrounding property is MF (Multiple-Family Dwelling District), C1 (Local Business District) and C2 (General Business District). The Comprehensive Land Use Plan shows this area to be Preservation District. The proposed use is included in the Appropriate Uses of the Preservation District. The surrounding land use is Preservation. P&Z recommended approval of the rezone by a vote of 6-0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING TWO SECTIONS OF A 62.28 ACRE TRACT (LOCATED AT SOUTHEAST CORNER OF WOODARD AVE AND US 67 BYPASS); SECTION 1: FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO C3 (COMMERCIAL DISTRICT) AND SECTION 2: FROM C3 (COMMERCIAL DISTRICT)

TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), AS REQUESTED BY RW GOSSETT, REPRESENTED BY MARK SHELTON.

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

BRIEF: P&Z considered this at its September 28, 2015 meeting. This request is to accommodate a new residential subdivision. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), C3 (Commercial District) and M1 (Light Industrial District). The Comprehensive Land Use Plan shows this area to be Regional Corridor. According to the Comprehensive Master Plan the requested use is an appropriate use for this area. The surrounding land use is Regional Corridor, Transportation and Industry, Traditional Neighborhoods and Village. P&Z recommended approval of the rezone by a vote of 6-0.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 1706 RAYLENE AND 204 WEST KILPATRICK AVE FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP FOR MINI WAREHOUSES (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT), AS REQUESTED BY ROGER PEDIGO.

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

BRIEF: P&Z considered this at its September 28, 2015 meeting. This request is to accommodate for mini warehouses. The zoning for the surrounding property is C3 (Commercial District), SF-4 (Single-Family Dwelling District), D (Duplex Dwelling District) and MH (Manufactured Housing District). The Comprehensive Land Use Plan shows this area to be Traditional Neighborhoods and Local Node. The surrounding land use is Traditional Neighborhoods and Local Node. P&Z recommended approval of the rezone by a vote of 6-0.

OR5. *PUBLIC HEARING* AN ORDINANCE GRANTING A SIGN VARIANCE LOCATED AT 930 NORTH NOLAN RIVER ROAD, AS REQUESTED BY CLEBURNE BIBLE CHURCH, REPRESENTED BY FOSTER ATKINS, SIGNCO.

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

BRIEF: Mr. Atkins, on behalf of Cleburne Bible Church, is requesting an electronic monument sign to identify the Church and give information to the public. The current ordinance does not allow a monument sign to be more than 40 square feet in area and 8 feet in height max at 14 feet off the property line. The proposed sign is 180 square feet in area and 15 feet tall at 25 feet off the property line. Additionally, the current ordinance does not allow an electronic sign that is not located on a U.S. highway or freeway.

OR6. *PUBLIC HEARING* AN ORDINANCE CLOSING PORTION OF WOODBINE STREET (FROM MULBERRY STREET TO POPLAR STREET), AS REQUESTED BY BILL AND TIM BRIDGES AND BOD DAVIS.

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

BRIEF: Mr. Bill and Tim Bridges and Mr. Bob Davis have requested that Woodbine Street between Mulberry Street to Poplar Street and between Blocks 7 & 8, Milstead Acreage Addition be closed since the street dead ends at the Prine property and does not go thru to Poplar Street. Notice was given as required by State Law. We have received no objections. The City has a water line as well as a sanitary sewer line on Woodbine Street. Atmos Energy has a 2 inch gas main within the limits of the request and AT&T has aerial cables. The street must be retained as a utility easement. Upon

closure, the street will revert to the owners of the adjacent property on each side as of the date of adoption of the Ordinance and the ordinance shall be recorded in the Official Public Records of Johnson County, Texas.

OR7. AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 30: CITY GOVERNMENT, COURT BY ADDING SECTION 30.23: “MUNICIPAL COURT JUVENILE CASE MANAGER FUND”; ESTABLISHING THE JUVENILE CASE MANAGER FEE AS AUTHORIZED BY THE TEXAS CODE OF CRIMINAL PROCEDURE.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Included in the adoption of the Fiscal Year 2015-2016 budget was the authorization for the addition of a part time Juvenile Case Manager position, whose primary role would be handling juvenile cases and supervising the orders imposed by the Municipal Court. The following is an excerpt from the Texas Municipal Courts Education Center website about the role of the Juvenile Case Manager, with all cited references from the attached Texas Code of Criminal Procedure Article 45.056:

The Role of the Juvenile Case Manager

In Texas, municipal and justice courts come into contact with more children accused of violating the law than juvenile courts. Juvenile case managers are employed as a local strategic measure to help prevent children from becoming further involved in the justice system and to curb juvenile crime at the local level. A juvenile case manager provides services in cases involving juvenile offenders before a court consistent with the court’s statutory powers. Juvenile case managers assist the court in administering the court’s juvenile docket and in supervising its orders in juvenile cases. Juvenile case managers timely report any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child. While state law provides some parameters, the work performed by juvenile case managers is determined in light of local needs and circumstances. Accordingly, case managers may also perform intake duties on complaints filed, operate diversion programs, implement dispositional orders by providing supervision services, and initiate proceedings for enforcing those orders in the event of a violation.

The proposed source of funding for the position is a \$5.00 Juvenile Case Manager fee on all citations, except for parking and those of a pedestrian nature. As authorized by the Texas Code of Criminal Procedure Article 102.0174 (attached), this fee can be charged upon adoption of an ordinance by City Council. The revenue generated from this fee must be used solely to fund the Juvenile Case Manager position and related training. The revenue from the fee collection is required to be placed in a Juvenile Case Manager Fund.

In Fiscal Year 2014-2015, the Municipal Court handled 135 juvenile offenses, as compared to 5,156 total offenses, equating to 2.6% of the total case load. With the adoption of the \$5.00 fee, projected annual revenues from the fee would be \$20,000, as the fee would be collected on about 75% of all citations written, due to it only being paid when a conviction occurs. After the adoption of the proposed ordinance, staff may seek opportunities to partner with an area city or Johnson County to pay for a portion of their existing Juvenile Case Manager’s working hours to provide service to Cleburne.

OR8. AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 92: CEMETERIES BY CREATING A CEMETERY ADVISORY BOARD.

Person presenting this item: Burton Barr, Community Services Manager

BRIEF: It has recently come to the attention of staff that citizens have requested the formation of a Cemetery Advisory Board. The Board would meet monthly to discuss code enforcement, review of ordinances of the four City-owned cemeteries, improvements and beautification, and to make recommendations to staff and the City Council. The Board would be comprised of 5 members to include (1) City Council member, (1) Funeral Home Director, and (3) Cleburne residents to be appointed by the City Council. Staff will bring an action item before the Council at a future meeting for said appointments.

OTHER COUNCIL MATTERS

OC1. *PUBLIC HEARING* HOLD PUBLIC HEARING REGARDING THE COMPLETION OF THE DISASTER RELIEF PROJECT, FUNDED THROUGH A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE TEXAS DEPARTMENT OF AGRICULTURE.

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

BRIEF: Cleburne was a beneficiary of a Community Development Block Grant for Disaster Relief in 2013 following the May 15, 2013 tornado which provided funds for debris clearance and removal. A public hearing and opportunity for citizen comment is required following the completion of all TxCDBG projects and prior to closeout of the grant. Citizens are encouraged to submit their views regarding this project and other community development and housing needs.

OC2. *PUBLIC HEARING* APPROVE PRELIMINARY PLAT OF BLOCKS 1-16, THE ESTATES OF CHISHOLM TRAIL (BEING 62.28 ACRES LOCATED AT SOUTHEAST CORNER OF WOODARD AVENUE AND US 67 BYPASS), AS REQUESTED BY RW GOSSETT, REPRESENTED BY MARK SHELTON.

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

BRIEF: P&Z considered this at its September 28, 2015 meeting. The purpose for this plat is to create a new residential subdivision. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), C3 (Commercial District) and M1 (Light Industrial District). The Comprehensive Land Use Plan shows this area to be Regional Corridor and Traditional Neighborhoods. The surrounding land use is Regional Corridor, Traditional Neighborhoods, Village and Transportation and Industry. P&Z recommended approval of the plat by a vote of 6-0.

OC3. APPOINTMENTS TO THE PARKS AND RECREATION BOARD.

Person presenting this item: Burton Barr, Community Services Manager

BRIEF: Both Debbie Bouchard and LuAnne Leonard have completed their first term on the Parks & Recreation Board (1st term expired 9/24). They are interested in serving a second term if appointed.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss Ethics in Law Enforcement training program, presented by Sergeant Huskey, Cleburne Police Dept - Amy Knoll

- B. Discuss code update on the sign ordinance, 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.**

A. § 551.074. Personnel Matters; Closed Meeting

(a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. Duties of the City Manager

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT:



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