



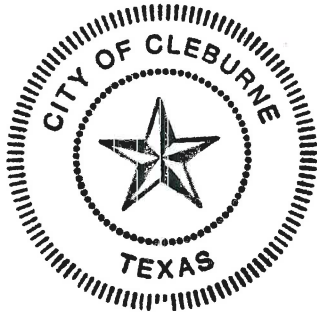
NOTICE OF REGULAR MEETING AND WORKSHOP OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING AND WORKSHOP SESSION** of the above named City will be held on the **27TH** 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 23, 2015**, by **5:00 p.m.**



City of Cleburne

By Shelly Doty
Shelly Doty, 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 27, 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
- ✓ Rob Severance, Police Services
- ✓ Terry Leake, Finance
- ✓ Debra Powledge, Human Resources

Administration:

- ✓ Dan O'Leary, Interim 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 Father Christopher Woodall, Church of the Holy Comforter

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation – **Military Veterans' Days of Appreciation**, November 7-11, 2015

Proclamation – **Domestic Violence Awareness Month**, November 2015

Proclamation – **American Diabetes Month**, November 2015

Achievement Certificate – Excellence in Financial Reporting for the Comprehensive Annual Financial Report for September 30, 2014

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.

1. Lynn Buker – Downtown Historic District Task Force

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 OCTOBER 13, 2015 REGULAR COUNCIL MEETING.**BQ1. AUTHORIZE PURCHASE OF GARBAGE TRUCK FROM CRANE CARRIER COMPANY AND HEIL OF TEXAS IN THE AMOUNT OF \$260,000.**

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

BRIEF: This unit will be used in the Sanitation Department for refuse pickup throughout the City. There are two components of this truck: the cab/chassis and the rapid rail body, sold by Crane Carrier Company and Heil of Texas, respectively. Both vendors were awarded BuyBoard contracts for the portions of this vehicle; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget under Leased Equipment Improvement Program - Fund 03 as a 2015-2016 fiscal year purchase.

RS1. A RESOLUTION ACCEPTING THE QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING SEPTEMBER 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 officer and submitted to the governing body. For the quarter that ended September 30, 2015, the City invested solely in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools which provides information on their average yield, net asset value, weighted average maturity, and portfolio composition. At September 30, 2015 had \$63,511,969 invested in the four pools and earned \$21,782 in interest income (see attached quarterly investment report).

RS2. A RESOLUTION ACCEPTING THE ANNUAL INVESTMENT REPORT FOR YEAR ENDING SEPTEMBER 2015.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Contained in the City's Investment Policy is the requirement that an annual report is presented to the City Council on the investment program and investment activity. The City currently invests solely in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and Tex STAR) and at September 30, 2015 had \$63,511,969 invested in the four pools (see attached annual investment report). During the fiscal year, the City earned \$68,575 in interest income.

RS3. A RESOLUTION AUTHORIZING CONTRACT WITH KENNEDY CONSTRUCTION COMPANY FOR THE REMOVAL OF UNDERGROUND STORAGE FUEL TANKS AT THE CLEBURNE REGIONAL AIRPORT FOR AN AMOUNT OF \$43,672.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The underground storage tanks at hangar 2100 have been empty for over two years and need to be removed. As part of the lease agreement the new owners of the hangar lease have placed the funds in escrow for the removal of the underground storage tanks. Three quotes were received and Kennedy Construction had the best quote of \$43,672.00. After reviewing the quotes it was noted that Kennedy Construction had not included an asphalt covering over the site so they had to revise their quote to reflect the placement of pavement.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF SEPTEMBER 2015.

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS4. A RESOLUTION ADOPTING AND AUTHORIZING THE USE OF THE DESIGN-BUILD DELIVERY METHOD FOR THE CONSTRUCTION OF A MULTIUSE PROFESSIONAL LEAGUE BASEBALL STADIUM AND ASSOCIATED STRUCTURES, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION IN RELATION THEREOF.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Design-Build is a method of construction procurement under which both design and construction services are contracted under one entity, either a joint venture between a design consultant and a contractor or a single entity with both capabilities. Design-Build has the potential to reduce costs and expedite construction schedules, when established as the method that will produce the best value for a selected City project. Section 2269 of the Texas Government Code authorizes the City of Cleburne to use Design-Build procurement for construction, rehabilitation, alteration, or repair of a facility. If approved by the voters on November 3, 2015, it has been determined that the Cleburne Station project (the construction of a multi-use professional baseball stadium) be procured using the Design-Build method, as it will provide the best value for the City. The proposed resolution contains the following provisions:

- It has been determined that the construction of a multiuse professional baseball stadium would provide the best value by being procured using the Design-Build method
- The City Council designates the City Manager as their designated representative for all purposes relating to the project
- The funding for the project is contingent upon issuance of \$25,000,000 of General Obligation bonds, if authorized by the voters on November 3, 2015

ORDINANCES

OR1. **CONTINUE 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: The City Council opened a public hearing for this request at their October 13, 2015 regular meeting and upon request of the applicant to postpone action, the Council moved to continue the public hearing to the

next regular Council meeting. The Planning and Zoning Commission considered this at its September 28, 2015 meeting. This is a request to rezone two portions of a 62.28 acre tract from C3 (Commercial District) and SF-4 (Single Family Dwelling District) to SF-4 (Single Family Dwelling District) and C3 (Commercial District) 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. The applicant has now requested that this item be withdrawn but since this has already been heard before P&Z, staff requests that this item be denied without prejudice.

OR2. AN ORDINANCE AMENDING CHAPTER 98: PARKS AND RECREATION, SECTION 98.030 OVERNIGHT CAMPING AND SECTION 98.034 ENFORCEMENT.

Person presenting this item: Burton Barr, Director of Parks & Recreation

BRIEF: Review and consider amending the ordinance to restrict overnight camping at any Cleburne Parks and Recreation Department park facility. The City Manager or his designee shall have the authority to waive any restriction of this subchapter for a special event or situation. These amendments were reviewed and recommended by the Parks and Recreation Advisory Board at their October 5, 2015 meeting.

OR3. AN ORDINANCE AMENDING CHAPTER 98: PARKS AND RECREATION, SECTION 98.502: SPORTS COMPLEX RENTAL FEE SCHEDULE.

Person presenting this item: Burton Barr, Director of Parks & Recreation

BRIEF: Several months ago the 4B Economic Development Board of Directors approved practice at the Sports Complex for local sports associations, and this item provides a field lighting fee schedule for practice. On occasions when two teams are practicing, and one team wants lighting, but the other does not, this amendment allows for light usage for ½ of the field. This item was reviewed and recommended by the 4B Board at the October 15, 2015 meeting.

OTHER COUNCIL MATTERS

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

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

BRIEF: The City Council opened a public hearing for this request at their October 13, 2015 regular meeting and upon request of the applicant to postpone action, the Council moved to continue the public hearing to the next regular Council meeting. 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. The applicant has now requested that this item be withdrawn but since this has already been heard before the Planning and Zoning Commission, staff requests that this item be denied without prejudice.

OC3. APPOINTMENTS TO THE LIBRARY ADVISORY BOARD.

Person presenting this item: Tina Dunham, Library Manager

BRIEF: The first term of Library Board members Ellen Colbert and Becky Rosiere will expire this month (10/22/15). Staff respectfully requests both be reappointed to a second term as both are willing to serve another term.

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. Discuss land regulations

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.