



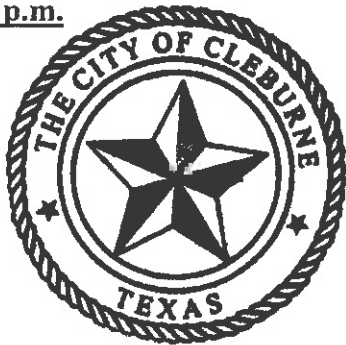
**NOTICE OF REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF CLEBURNE, TEXAS**

Notice is hereby given that a **REGULAR COUNCIL MEETING** of the above named City will be held on the 10th day of NOVEMBER, 2015, at 5:00 p.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 City Hall in Cleburne, Texas, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net, and said Notice was posted on November 6, 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
NOVEMBER 10, 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
- ✓ 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
- ✓ Rob Severance, Police Services
- ✓ Terry Leake, Finance
- ✓ 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: Corey Hall, Police Department

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 OCTOBER 27, 2015 REGULAR COUNCIL MEETING.

BQ1. AUTHORIZE PURCHASE OF A CB34B CATERPILLAR UTILITY/PAVING COMPACTOR FROM HOLT CAT (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$39,327.47 TO BE USED IN THE STREET DEPT.

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

BRIEF: This unit will be used in the Street Department for necessary street repairs. This vendor was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget Fund 03 (Lease Equipment Improvement Fund) as a fiscal year 2015-2016 year purchase in the amount not to exceed \$40,000.00. Included in the quote is the trade-in of a 1999 HAMM HD90 roller (purchase price \$77,212) that is fully depreciated. The purchase price is \$54,327.47 and a trade-in allowance of \$15,000 is included in the quote bringing the net cost to \$39,327.47.

BQ2. AUTHORIZE SIEMENS DEMAG DELAVAL TURBOMACHINERY, INC TO PERFORM PREVENTATIVE MAINTENANCE SERVICES ON THE TURBLEX BLOWER AT THE WASTEWATER TREATMENT PLANT FOR AN AMOUNT OF \$49,766.

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

BRIEF: The Turblex Blower at the Wastewater Treatment Plant is due for preventative maintenance. This is a sole source warranty item.

RS1. A RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH FOR PARTICIPATION IN THE HOUSEHOLD HAZARDOUS WASTE PROGRAM.

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

BRIEF: On November 12, 2013, Council authorized the City Manager to enter into an interlocal agreement with the City of Fort Worth for participation in the Household Hazardous Waste Program with an amendment approval on August 12, 2014. This second amendment will extend the term of the initial agreement including the first amendment from October 1, 2015 through September 30, 2016. No other terms of the agreement will change.

OC1. AUTHORIZING CHANGE OF REGISTERED AGENT FOR THE 4B ECONOMIC DEVELOPMENT CORPORATION, IN ACCORDANCE WITH THE TEXAS BUSINESS ORGANIZATIONS CODE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: In accordance with Section 5.202 of the Texas Business Organizations Code, the City Council must give authorization for a change in the Registered Agent for the Cleburne 4B Economic Development Corporation. Staff submits Dan O'Leary, Interim City Manager, as the Registered Agent and upon approval, will file with the Corporations Division of the Secretary of State.

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, THE HUMPHRIES ADDITION (BEING 2.168 ACRES LOCATED IN THE CITY'S ETJ, THOMAS D CLARK SURVEY), AS REQUESTED BY CLAUDE AND LOLA HUMPHRIES.

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

BRIEF: P&Z considered this at its October 26, 2015 meeting. The purpose for this plat is to create one residential lot. The Comprehensive Land Use Plan shows this area to be Sustainable Community and surrounding area to be Sustainable Community. P&Z recommended approval of this plat by a vote of 5-0.

OC3. APPROVE FINAL PLAT OF LOT 1 AND 2, BLOCK 1, CIMMARON TRAILS ADDITION (BEING 7.96 ACRES LOCATED IN THE CITY'S ETJ, DAVID KING SURVEY), AS REQUESTED BY BARBARA LYNN COMBS.

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

BRIEF: P&Z considered this at its October 26, 2015 meeting. The purpose for this plat is to split one lot into two residential lots. The Comprehensive Land Use Plan shows this area to be Sustainable Community. The surrounding land use Traditional Neighborhoods. P&Z recommended approval of this plat by a vote of 5-0.

BIDS AND QUOTES

BQ3. AUTHORIZE PURCHASE OF A 5100E UTILITY TRACTOR AND CX15 FLEX-WING ROTARY CUTTER ATTACHMENT FROM DEERE & COMPANY THROUGH BRAZOS VALLEY EQUIPMENT CO (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$60,729.10 TO BE USED IN THE DRAINAGE DEPT.

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

BRIEF: This unit will be used in the Drainage Department for necessary grounds maintenance. This vendor was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget Fund 63 (Drainage Fund) as a fiscal year 2015-2016 year purchase in the amount not to exceed \$66,200.00.

BQ4. AUTHORIZE PURCHASE OF A 5100M UTILITY TRACTOR AND MX15 FLEX-WING ROTARY CUTTER ATTACHMENT FROM DEERE & COMPANY THROUGH AUSTIN TURF & TRACTOR (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$60,956.62 TO BE USED IN THE PARKS & RECREATION DEPT.

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

BRIEF: This unit will be used in the Parks Department for grounds maintenance. This vendor, John Deere through Austin Turf & Tractor, was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget Fund 03 (Lease Equipment Improvement Fund) as a fiscal year 2015-2016 year purchase in the amount not to exceed \$61,000.00.

BQ5. AUTHORIZE PURCHASE OF A 7700A PRECISIONCUT FAIRWAY MOWER, 2653B PRECISIONCUT TRIM AND SURROUNDS MOWER AND 1200A BUNKER AND FIELD RAKE FROM DEERE & COMPANY THROUGH AUSTIN TURF & TRACTOR (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$91,824.97 TO BE USED AT THE SPORTS COMPLEX.

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

BRIEF: This equipment will be used at the Sports Complex for grounds maintenance. This vendor, John Deere through Austin Turf and Tractor, was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget Fund 09 (4B Tax Fund) as a fiscal year 2015-2016 year purchase in the following amounts not to exceed fairway precision mower - \$52,000.00, precision cut mower - \$29,000 and bunker and field rake - \$12,500. The actual costs are as follows: fairway precision mower - \$51,543.96, precision cut mower - \$28,446.66 and bunker and field rake - \$11,834.35 totaling \$91,824.97.

BQ6. AUTHORIZE PURCHASE OF A TORO MULTIPRO 5800 SPRAYER FROM PROFESSIONAL TURF PRODUCTS, LP (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$51,701.54 TO BE USED AT THE SPORTS COMPLEX.

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

BRIEF: This unit will be used at the Sports Complex for grounds maintenance. This vendor (Professional Turf Products) was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget Fund 09 (4B Tax Fund) as a fiscal year 2015-2016 year purchase in the amount not to exceed \$52,000.00.

RESOLUTIONS

RS2. A RESOLUTION AUTHORIZING APPLICATION TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AMENDING CERTIFICATE OF ADJUDICATION NO 12-4106.

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

BRIEF: TCEQ requires a City representative be authorized to execute the filing of the Application to Amend the Bed and Banks Certificate of Adjudication and to attend hearings and other proceedings on the City's behalf. The application amendment is a step towards getting additional water supplies through the reclaimed water project into Lake Pat Cleburne.

RS3. A RESOLUTION AFFIRMING THE CASTING OF VOTES IN THE 2016-2017 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.

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

BRIEF: The Central Appraisal District is holding an election to determine who will serve on its

Board of Directors for the 2016-2017 term. The City of Cleburne has received an official ballot in order for Council to vote on the candidates nominated back in October. The nominees are as follows: Byron Black, Toby Ford, Bob Spurlin, Kent Williams and Larry Woolley. The City has a total of 315 votes which can be cast for one or more candidates.

ORDINANCES

OR1. *PUBLIC HEARING* **AN ORDINANCE REZONING 15.0 ACRES LOCATED AT 2036 E HENDERSON ST FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY GT MUSTANG DRIVE LP, REPRESENTED BY BRITTON NEW.**

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

BRIEF: P&Z considered this at its October 26, 2015 meeting. This is a request to accommodate a new industry. The zoning for the surrounding property is C2 (General Business District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be in the Approach Corridor District. Proposed use is included in the Specially Permitted Uses of the Approach Corridor District. The surrounding land use is Approach Corridor and Sustainable Community. P&Z recommended approval of the rezoning by a vote of 5-0.

OR2. AN ORDINANCE AUTHORIZING AND DIRECTING CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO CONVEY CITY OWNED PROPERTY LOCATED AT 8 N CADDO ST (FORMERLY KNOWN AS ROYCE PHARMACY) TO RECNA 2, LLC.

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

BRIEF: After discussions with our City Attorney, it has been determined that an ordinance is required to legally convey the city-owned Royce Pharmacy building to Recnad 2 LLC. The Royce Pharmacy building is within TIF District #2. The City Council recently amended the project plan for TIF District #2 to include transferring government-owned properties for re-development in the downtown area. In addition, the City obtained an appraisal on the market value of the building to assure the public that the value of the transfer is equal to benefit derived. Back-up information for this item includes the appraisal report and a copy of the contract to transfer the property. The ordinance under consideration includes giving the Interim City Manager the authority to finalize and execute the contract of sale.

OTHER COUNCIL MATTERS

OC4. *PUBLIC HEARING* **APPROVE REPLAT OF LOT 1R, BLOCK 19, BJ CHAMBER SOUTH ADDITION (BEING .54 ACRES LOCATED AT 702 S MAIN ST AND 703 S MILL ST), AS REQUESTED BY DAVID AKEY, REPRESENTED BY PETER POPE.**

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

BRIEF: P&Z considered this at its October 26, 2015 meeting. The purpose for this plat is to

combine two lots into one for the future site of a restaurant. The zoning for this property is C3 (Commercial District). The zoning for the surrounding property is C1 (Local Business District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be Downtown TDA. The surrounding land use is Downtown TDA and Preservation. P&Z recommended approval of the plat by a vote of 5-0.

OC5. *PUBLIC HEARING* APPROVE REPLAT OF LOTS 5R-9R, 18R-27R, 28R1-28R4 AND 29R, BLOCK 1, STONEPARK ADDITION (LOCATED AT SOUTHEAST CORNER OF HYDE PARK BLVD AND WEDGEWOOD DR), AS REQUESTED BY MARK RHODES, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: P&Z considered this at its October 26, 2015 meeting. The purpose for this replat is to adjust lot lines to accommodate existing utility easements. The zone for this property is PD/T (Planned Development Townhouse District). The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), C2 (General Business District), PD/SF-A (Planned Development Single-Family Attached Dwelling District) and D (Duplex Dwelling District). The Comprehensive Land Use Plan shows this area to be Center City West District. The Land Use for the surrounding area is Center City West. P&Z recommended approval of this plat by a vote of 5-0.

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.**

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.

§ 551.072. Deliberation Regarding Real Property; Closed Meeting A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

§ 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

1. Discuss an athletic/retail economic development project in North Cleburne near the intersection of Chisholm Trail Parkway and US Hwy 67 known as Cleburne Station including any discussion for a resolution authorizing the expenditure of funds.
 - Give the City Manager authority to put up earnest money on the land.
 - A reimbursement resolution to allow these funds to be taken out of bond funds that will not be received until February 2016.

B. § 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. Discuss City Manager benefits

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.