



**REGULAR CITY COUNCIL MEETING AGENDA**  
**JANUARY 12, 2016**  
**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**

**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**

---

**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. APPROVE MINUTES FOR THE DECEMBER 8, 2015 REGULAR COUNCIL MEETING.**

**RS1. A RESOLUTION AUTHORIZING CONTRACT RENEWAL WITH THE CLEBURNE ECONOMIC DEVELOPMENT FOUNDATION.**

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

**BRIEF:** Re-approval of contract with the Cleburne Economic Development Foundation for the provision of economic development services. The changes to this contract include:

1. An evergreen clause that makes the contract on-going until either side gives a 30 day notice to terminate.
2. References to the CEDF role in retail, office and medical developments in the community.
3. A waiver from city inspection fees for public works projects the CEDF funds as part of an incentive to locate or retain a business in Cleburne.
4. Changes to signatories.

**RS2. A RESOLUTION SUPPORTING A NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS SOLID WASTE PROGRAM IMPLEMENTATION GRANT APPLICATION.**

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

**BRIEF:** The Sanitation Department is seeking a resolution from Council to support submission of a grant application to NCTCOG to fund a new Sanitation Specialist for the Sanitation Department. This new employee would work to improve the compliance with City’s sanitation ordinances which would decrease incidences of inappropriate curbside placement of waste and lessen litter associated with solid waste pickup. In addition, the staffer would provide education on recycling options and manage the current recycling drop off center collection/material processing and work with community improvement groups on sanitation management of special cleanup events like Operation Cleburne Pride, Christmas-In-Action projects and the Buffalo Creek Cleanup.

**RS3. A RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATIONAL PERMIT FOR 2016 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING AMBULANCE SERVICES IN THE CITY OF CLEBURNE.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** CareFlite is requesting renewal of their operations permit to provide ambulance service for the City of Cleburne. They have satisfied all requirements for their 2016 renewal.

**OC1. APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2015.**

Person presenting this item: Terry Leake, Director of Finance

**OC2. APPROVE FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, GUEDE ADDITION (BEING 6.45 ACRES OF THE JAMES WALLACE SURVEY LOCATED AT 2716 E FM 4, IN THE CITY’S ETJ), AS REQUESTED BY JEFF AND DELYN GUEDE.**

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

**BRIEF:** P&Z considered this at its December 14, 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 Farmland Community.

The surrounding land use is Farmland Community, Future TND and Sustainable Community. P&Z recommended approval of this plat by a vote of 6-0.

---

### BIDS AND QUOTES

---

**BQ1. AWARD PURCHASE OF BARRACUDA BACKUP SERVER 990 TO GOVCONNECTION (THROUGH TEXAS COOPERATIVE PURCHASING NETWORK CONTRACT) IN THE AMOUNT OF \$139,435.23.**

Person presenting this item: Willie Resto, Information Technology Manager

**BRIEF:** This server will be used by the IT Department for all city computers. This vendor was awarded the Texas Cooperative Purchasing Network (TCPN) contract for this unit in the amount of \$139,435.23 (see attached quote) so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the General Fund Information Technology Department's budget as a fiscal year 2015-2016 year purchase in the amount not to exceed \$139,496.00.

**BQ2. AWARD PURCHASE OF 5 REPLACEMENT VEHICLES TO CALDWELL COUNTY CHEVROLET (THROUGH BUYBOARD CONTRACT) IN THE AMOUNT OF \$100,187.**

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

**BRIEF:** These vehicles (pickup trucks) will be used in the following departments: Building Maintenance, Water Distribution, Water Treatment and Wastewater Treatment. Caldwell County Chevrolet was awarded the BuyBoard contract for these vehicles so all competitive purchasing requirements have been met. All of these purchases were discussed with Council and included in the budget for Fund 03, Leased Equipment Fund, and Fund 60, Water Fund, for the 2015-2016 fiscal year purchases.

Building Maintenance (Fund 03): 2016 Chevrolet ¾ ton Silverado with utility body and ladder rack, \$32,788.00

Water Distribution (Fund 60): 2016 Chevrolet ¾ ton Silverado with light package, \$25,770.00

Water Distribution (Fund 60): 2016 Chevrolet ½ ton Silverado with light package and camper shell, \$27,502.00

Water Treatment (Fund 60): 2016 Chevrolet ½ ton Silverado with light package, \$24,927.00

Wastewater Treatment (Fund 60): 2016 Chevrolet ½ ton Silverado with tow and light package, \$21,988.00

---

### ORDINANCES

---

**OR1. AN ORDINANCE ACCEPTING DONATED PROPERTY CONVEYED BY SPECIAL WARRANTY DEED FROM RICHARD L BRAMBLETT.**

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

**BRIEF:** Richard L. Bramblett wishes to convey by donation approximately 0.281 acres of land out of the C. Chaney Survey. The property is bordered by Olive and East Wardville Streets and city property. It is located within a flood plain and cannot be developed. A sidewalk exists on the property that runs along East Buffalo Creek. Johnson County Central Appraisal District has the property listed as 0.470 acre valued at \$8,500. The portion being conveyed to the City consists of 0.281 acre and is valued at \$5,079.75 that Mr. Bramblett would receive a tax deduction for. A title search has been prepared and no liens or other reservations were found.

**OR2. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF CLEBURNE, TEXAS, GENERAL OBLIGATION BONDS, TAXABLE SERIES 2016 IN THE**

**AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO .**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** On November 3, 2015, the voters of Cleburne authorized the adoption of a one half cent sales tax through a Type A Economic Development Corporation election and the issuance of \$25,000,000 in General Obligation bonds to finance The Depot Stadium ballpark project. On November 12, 2015, the Board of Directors of the Cleburne Type A Economic Development Corporation met and approved the financial plan for the stadium project with the following goals and strategy:

**Financial Plan goals:**

- **Purchase land**
  - Site of minor league baseball stadium
  - Adjacent land for economic development
- **Construct offsite and onsite utilities, parking and amenities**
- **Construct a minor league baseball stadium**

**Implementation Strategy:**

- **Funding Source – Type A Economic Development Corporation ½ cent sales tax**
  - 4A Corporation will contract and transfer funds for Project debt service
  - Project maintenance, if needed
- **Debt Issuance – \$25 million City of Cleburne Taxable General Obligation Bonds**
  - Utilize the City’s high investment grade general obligation ratings (S&P “AA”, Moody’s “Aa3” and Fitch “AA-”) to fund the project cost efficiently and effectively
  - 20 year amortization
  - \$2.175 million = average annual debt service
- **Method of Repayment - Contract between the City and Type A Corporation allocating Type A sales tax revenues to Project debt and maintenance**
  - \$2.8 million estimated Type A annual sales tax based on current City sales tax collections
  - \$580 thousand Estimated excess Type A sales tax available for other Type A economic development projects

City Council ratified this plan on December 8, 2015 by the adoption of Resolution RS12-2015-14, which also directed staff to proceed with the bond sale. As indicated on the projected pricing exhibit of the financing plan, the projected interest rate is 5.19% on the debt, however market conditions could improve or deteriorate in the interim from the projection. The bonds will be priced and sold as a negotiated transaction on January 12, 2016 with RBC Capital Markets as the underwriter. The final results of the bond sale is being presented to City Council for acceptance.

---

**OTHER COUNCIL MATTERS**

---

**OC3. APPOINTMENT TO THE BUILDING AND STANDARDS COMMISSION – LINDA LONDON.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** Commission member Juana Torres Anderson resigned from the Building & Standards Commission due to moving out of the city. Cleburne resident Linda London has offered to serve on the Commission for at least one term (2 year period).

**OC4. \*PUBLIC HEARING\* APPROVE FINAL PLAT OF LOT 1-11, BLOCK 1, HYDE PARK ADDITION (BEING 1.874 ACRES LOCATED ON N. HYDE PARK BETWEEN MEADOWLARK DR AND ROBIN PL), 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 December 14, 2015 meeting. The purpose for this plat is to create eleven residential lots. The zoning for this property is SF-4 (Single-Family Dwelling District). The zoning for the surrounding property is MF (Multiple-Family Housing District), SF-4 (Single-Family Dwelling District), PD (Planned Development District) and C2 (General Business District). The Comprehensive Land Use Plan shows this area and surrounding area to be Traditional Neighborhoods. P&Z recommended approval of this plat by a vote of 6-0.

**OC5. \*PUBLIC HEARING\* APPROVE REPLAT OF LOT 1R-5R, BLOCK 1, JOHNSON HEIGHTS (BEING 8.6 ACRES, LOCATED AT THE SOUTHEAST CORNER OF CR 1018 AND CR 902) AS REQUESTED BY LYNESS PROPERTIES, LP REPRESENTED BY TRANS TEXAS SURVEYING.**

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

**BRIEF:** P&Z considered this at its December 14, 2015, meeting. The purpose for this plat is to create five residential lots. The zoning for this property is IH (Interim Holding District) and surrounding property is IH (Interim Holding District) and M2 (Heavy Industrial District). The Comprehensive Land Use Plan shows this area to be Transportation and Industry. The surrounding land use is Traditional Neighborhood's and Transportation and Industry. P&Z recommended approval of this plat by a vote of 6-0.

**OC6. \*PUBLIC HEARING\* APPROVE FINAL REPLAT OF LOT 1-R, BLOCK 32, ORIGINAL CLEBURNE (BEING A REPLAT OF LOTS 1-10, BLOCK 32, ORIGINAL CLEBURNE, A 0.759 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF E. HENDERSON AND WILHITE ST), AS REQUESTED BY HILL COLLEGE DISTRICT REPRESENTED BY TRANS TEXAS SURVEYING.**

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

**BRIEF:** P&Z considered this at its December 14, 2015 meeting. The purpose for this plat is to combine ten lots into one. The zoning for this property is C3 (Commercial District). The zoning for the surrounding property is C3 (Commercial District) and C1 (Local Business 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 6-0.

**OC7. \*PUBLIC HEARING\* APPROVE FINAL REPLAT OF LOT 1-R, BLOCK 34, ORIGINAL CLEBURNE (BEING A REPLAT OF LOTS 1-3, BLOCK 34, ORIGINAL CLEBURNE, A 0.568 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF E BROWN AND WILHITE ST), AS REQUESTED BY HILL COLLEGE DISTRICT, REPRESENTED BY TRANS TEXAS SURVEYING.**

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

**BRIEF:** P&Z considered this at its December 14, 2015 meeting. The purpose for this plat is to combine three lots into one. The zoning for this property is C2 (General Business District) and CO (Non-retail District). The zoning for the surrounding property is CO (Non-Retail District), SF-4 (Single-Family Dwelling District), C2 (General Business District), MF (Multiple-Family Housing District), C1 (Local

Business District), C3 (Commercial District), and M1 (Light Industrial District). The Comprehensive Land Use Plan shows this area to be Downtown TDA and Preservation. The surrounding land use is Downtown TDA and Preservation. P&Z recommended approval of the plat by a vote of 6-0.

---

## WORKSHOP

---

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

- A. Discuss a Resolution designating the Cleburne Fire Department as the primary emergency ambulance service provider for the City – Clint Ishmael
- B. Discuss an Ordinance amending Title XI: Business Regulations, Chapter 110: Ambulances, Section 110.020: City Ambulance Service Fees – Clint Ishmael
- C. Discuss an Ordinance amending Strength of Force relating to the classification and number of positions for all City of Cleburne Firefighters and Police Officers pursuant to Chapter 143 of the Texas Local Government Code – Clint Ishmael

---

## 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 on the following:
  - Contract negotiations and property purchase
  - Legal issues re: Cleburne Station Project

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.