



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 26th day of JANUARY, 2016, 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 January 22, 2016, 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
JANUARY 26, 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

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 by Pastor Eddie Scheler, Ascension Lutheran Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Recognition for Civilian Employee of the Year, Holly Bicknell, Telecommunicator

Recognition for Officer of the Year, Colby Burris, Detective

STARS Award Recipient Presentation: Teresa Bednar, Health/Code Enforcement Official

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 JANUARY 12, 2016 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2016-2017 STEP TRAFFIC SAFETY PROGRAM FOR AN AMOUNT OF \$30,134.22.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: This is to consider a grant application to fund a traffic safety program to reduce speeding during high traffic periods. Grant provides funds for targeted enforcement in areas and intersections that are demonstrated high risk for accidents during holiday periods. Total project amount is \$30,134.22. A required match is provided through in-kind services, use of city vehicles and budgeted employee fringe benefits.

RS2. A RESOLUTION AUTHORIZING RENEWAL OF INTERLOCAL AGREEMENT WITH JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT FOR PARKING SPACES LOCATED ON NORTH MAIN STREET.

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

BRIEF: The renewal of this agreement with Johnson County Central Appraisal District is for their use of 18 parking spaces at the Smith History Center parking lot - site of the former Esquire Theater located on North Main Street. This is for a four-year term beginning the 1st day of January 2016 and terminating on the 31st day of December 2019.

RS3. A RESOLUTION ACKNOWLEDGING THE ISSUANCE OF CITY OF CLEBURNE GENERAL OBLIGATION BONDS AND THE PAYMENT OF DEBT SERVICE BY THE CLEBURNE TYPE A ECONOMIC DEVELOPMENT CORPORATION.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On January 12, 2016, the City Council authorized the issuance of the City's General Obligation Bonds, Taxable Series 2016 that were approved by the voters on November 3, 2015 for the construction of a professional league baseball stadium. The source of repayment for these bonds is the 4A Corporation's ½ cent sales tax, also approved by the voters on November 3, 2015 for the purpose of constructing a stadium. There was a Financing Agreement (attached) approved by both the City and the Cleburne Type A Economic Development Corporation. As an update to that Financing Agreement, this resolution acknowledges the specific amount of annual debt service to be paid to the City based upon the actual debt schedule of principal and interest. Also, included is a debt administration policy for the providing for the transfers of sales tax receipts for the repayment of debt issued by the Type A Corporation. The Cleburne Type A Economic Development Board will consider this joint resolution at their January 26, 2016 meeting, which will be held prior to the City Council meeting.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF DECEMBER 2016.

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS4. A RESOLUTION DESIGNATING THE CLEBURNE FIRE DEPARTMENT AS THE PRIMARY EMERGENCY AMBULANCE SERVICE PROVIDER FOR THE CITY.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: This resolution is to designate the Cleburne Fire Department as the primary emergency ambulance service provider as permitted in the City's Code of Ordinances, Chapter 110: Ambulances. The Fire Department will provide ambulance transports for 911 calls and CareFlite will provide non-emergency transport services within the City. The Fire Department and CareFlite will provide and receive mutual aid to ensure timely response for all emergency and non-emergency calls for service.

RS5. RESOLUTION APPROVING A CONTRACT WITH MATTHEWS SOUTHWEST PROPERTIES, INC TO PROVIDE REPRESENTATIVE SERVICES IN THE CONSTRUCTION OF A BASEBALL STADIUM AND ROADS, AND GIVING THE CITY MANAGER AUTHORITY TO SIGN CONTRACT ON BEHALF OF THE CITY OF CLEBURNE.

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

BRIEF: This is a contract with Matthews Southwest to act as "owner's representative" in the construction of the baseball stadium. Matthews Southwest will represent the City of Cleburne on all matters concerning the construction of the stadium by our chosen construction company. Matthews Southwest will assist the City in contract construction, construction oversight and billing. The City of Cleburne asked companies to respond to a Request for Proposal to provide this service on November 25, 2015. We received three proposals. City staff graded and ranked the proposals based on experience, team members, cost and the ability to perform the work on December 22, 2015. Matthews Southwest graded the highest, including the best price.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 3.52 ACRES LOCATED AT 1006 COUNTRY CLUB RD FROM C2 (GENERAL BUSINESS) TO T (TOWNHOUSE), AS REQUESTED BY VIRGINIA YOUNG, REPRESENTED BY RAYMOND OTTEN.

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

BRIEF: P&Z considered this at its January 11, 2016 meeting. This is a request to rezone 1006 Country Club Road to T (Townhouse District) to accommodate the future construction of townhomes. The surrounding zoning is C2 (General Business District), SF-4 (Single-Family Dwelling District), D (Duplex Dwelling District) and MF (Multiple-Family Housing District). The Comprehensive Land Use Plan shows this area to be City Center West. The surrounding area is City Center West & Traditional Neighborhoods. Proposed use is included in the appropriate uses of the City Center West District. 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 5-0.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 1.0 ACRE LOCATED AT 1940 KILPATRICK STREET FROM SF4 (SINGLE FAMILY DWELLING) TO CO (NON-RETAIL), AS REQUESTED BY BRADLEY BATES, REPRESENTED BY BLAKE JONES.

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

BRIEF: P&Z considered this at its January 11, 2016 meeting. This is a request to accommodate an insurance office. The surrounding zoning is SF-4 (Single-Family Dwelling District) and M1 (Light Industrial District). The Comprehensive Land Use Plan shows this area to be Traditional Neighborhoods. The surrounding area is Traditional Neighborhoods and Transportation and Industry. Proposed use is included in the appropriate uses of the Traditional Neighborhoods District. Notifications were sent out to a 200' radius and there were no inquiries nor objections. P&Z recommended approval of the rezone by a vote of 5-0.

OR3. AN ORDINANCE 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.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: Chapter 143.021 of the Local Government Code mandates that the Cleburne City Council establish classification of fire fighters and prescribe the number of positions within each classification of fire fighter. This is the strength of force ordinance recommended by the Fire Chief to provide fire-based ambulance services.

OR4. AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 110: AMBULANCES, SECTION 110.020: CITY AMBULANCE SERVICE FEES.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: The current ambulance fee schedule was adopted in 2007 and does not provide for maximum reimbursement from Medicare, Medicaid and private insurance companies. The proposed fee schedule will align City of Cleburne ambulance transport fees with other regional ambulance providers.

OR5. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 156: SIGN REGULATIONS OF THE CODE OF ORDINANCES.

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

BRIEF: On September 9, 2014, Council entered into an agreement with Mosaic Planning to update the Land Usage code. Several presentations have been made at workshops that focused on Sign Regulations. This ordinance will amend Chapter 156 – Sign Regulations in its entirety.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE FINAL REPLAT OF .7472 ACRES LOCATED AT 1669 W HENDERSON ST, NOLAN RIVER MALL ADDITION (COMBINE 2 LOTS INTO 1 FOR FUTURE SITE OF FAST FOOD RESTAURANT), AS REQUESTED BY CLEBURNE VENTURES, LLC.

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

BRIEF: P&Z considered this at its January 11, 2016 meeting. The purpose for this plat is to combine two lots into one for the future site of a fast food restaurant. The zoning for this property is PUD (Commercial Planned Unit Development). The zoning for the surrounding property is PUD (Planned Unit Development), C2 (General Business District) and C2/C4-O (General Business District/Private Club District-Overlay). The Comprehensive Land Use Plan shows this area to be City Center West. The surrounding land use is City Center West and Traditional Neighborhoods. P&Z recommended approval of the plat by a vote of 4-1 with Lisa Chandler voting against.

OC3. *PUBLIC HEARING* APPROVE FINAL REPLAT OF .152 ACRES LOCATED AT 424 N WILHITE ST, ORIGINAL CLEBURNE (MERGE LOT 2 AND PART OF LOT 1 TO CREATE 1 LOT FOR RESIDENCE), AS REQUESTED BY MICHAEL JONES.

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

BRIEF: P&Z considered this at its January 11, 2016 meeting. The purpose for this plat is to replat Lot 2 and a portion of Lot 1 into one lot for a residence. The zoning for this property is MF (Multiple-Family Housing District). The zoning for the surrounding property is MF (Multiple-Family Housing District), M1 (Light Industrial District) and CO (Non-Retail District). The Comprehensive Land Use Plan shows this area and surrounding area to be Preservation District. P&Z recommended approval of the plat by a vote of 5-0.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Presentation by New Era regarding possible hotel complex – Dan O’Leary

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:



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