



## 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 22nd day of MARCH, 2016, at 5:00pm, 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 March 18, 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

**MARCH 22, 2016**

**5:00 PM**

**CITY HALL COUNCIL CHAMBERS**

**10 NORTH ROBINSON STREET**

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### **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
- ✓ Terry Leake, Finance
- ✓ Debra Powledge, Human Resources
- ✓ Rob Severance, Police Services

#### **Department Heads:**

- ✓ Willie Resto, Information Technology

#### **Media:**

- ✓ Matt Smith, Times-Review

### **II. INVOCATION by Reverend Brooks Monk, Calvary Baptist Church**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

Presentation – February All Star: Nena Cumins, Street 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**

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## CONSENT ITEMS

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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 MARCH 8, 2016 REGULAR COUNCIL MEETING.**

**RS1. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDS FOR A VEHICLE CRIME ID PROJECT FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION.**

Person presenting this item: Lieutenant Linn Goodman, Police Department

**BRIEF:** Consider grant application to the Office of the Governor - Criminal Justice Division for \$69,970 to provide for license plate reader systems installed on patrol vehicles. The license plate reader system will automatically scan plates encountered and run them through the state database in real time. The system will provide actionable information for local and regional partners, greatly enhance the efficiency of stolen vehicle identification, and equip patrol officers to expedite their response to stolen vehicle and related crimes. LPRs are subject to state requirements and under the attached user agreement. No match is required for this grant.

**RS2. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDS FOR A CRIME DATA TECHNICIAN FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION.**

Person presenting this item: Lieutenant Linn Goodman, Police Department

**BRIEF:** Consider Justice Assistance Grant application to the Office of the Governor - Criminal Justice Division Justice for \$28,550 to provide for a Crime Data Technician. This position is currently funded through Criminal Justice Division 2015-16 grant, and is renewable for next fiscal year. The Crime Data Technician provides support for crime data collection and reporting to state databases for the department. No match is required.

**RS3. A RESOLUTION DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL FOR THE CRIME DATA TECHNICIAN GRANT #2917001 FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION.**

Person presenting this item: Lieutenant Linn Goodman, Police Department

**BRIEF:** Council originally approved RS03-2015-32 in March 2015 for a grant application to CJD to fund a Crime Data Technician. At the time of the application submittal, Rob Severance was serving as the Interim and then Deputy City Manager and was designated as Authorized Official for the project. CJD requests that an updated authorizing resolution be submitted, showing the City Manager as Authorized Official.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2016.**

Person presenting this item: Terry Leake, Director of Finance

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**BIDS AND QUOTES**

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**BQ1. AUTHORIZE PURCHASE OF A CHEVROLET 2500 HD CREW CAB 4X4 PICKUP TRUCK THROUGH WILDFIRE TRUCK & EQUIPMENT FOR AN AMOUNT OF \$49,650.16 TO BE USED BY FIRE ADMINISTRATION.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** Staff is requesting approval to purchase a new Chevrolet 2500 HD Crew Cab 4x4 pickup through Wildfire Truck & Equipment for the amount of \$49,650.16. This vehicle will be used to replace Chief 3 (Unit 2526 - 2008 Dodge Ram 4x4 Quad Cab) which was heavily damaged in a no fault accident. Insurance has paid \$11,297.50 for the replacement. This vehicle meets the fire department's vehicle requirements as specified. Additional cost for equipment and firefighting tools will not exceed \$1,000. Out of four quotes obtained, Wildfire Truck & Equipment provided the best price and therefore staff recommends awarding purchase from Wildfire & Equipment.

**BQ2. AUTHORIZE PURCHASE OF A SPARTAN 4-DOOR CUSTOM CAB 1500 GPM FIRE ENGINE UTILIZING HGAC CONTRACT THROUGH METRO FIRE APPARATUS SPECIALISTS, INC IN THE AMOUNT OF \$566,779.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** Staff is requesting approval to purchase a Spartan 4-door custom cab 1500 GPM fire engine utilizing Houston Galveston Area Council Cooperative (HGAC) Contract FS12-15 through Metro Fire Apparatus Specialists, Inc. for the amount of \$566,779.00. This vehicle will be used to replace Engine 1 which is currently over 10 years old. The vehicle is new and equipped with the latest fire vehicle safety features and enhanced firefighting capabilities. Based on the fire department's vehicle requirements, this vehicle meets all required specifications. Additional cost to equip this vehicle with necessary firefighting tools, nozzles, and fire hose will not exceed \$23,000. Two older engines will be traded in during this purchase, Unit 2512 upon order and Unit 2515 when new engine is placed into service.

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**RESOLUTIONS**

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**RS4. A RESOLUTION AUTHORIZING PURCHASE FROM COMM-FIT (A BUYBOARD VENDOR) AND LEASE/PURCHASE AGREEMENT WITH KANSAS STATE BANK FOR FINANCING OF EXERCISE EQUIPMENT AT THE BOOKER T WASHINGTON RECREATION CENTER.**

Persons presenting this item: Burton Barr, Parks & Recreation Manager/Terry Leake, Director of Finance/

**BRIEF:** The Fiscal Year 2015-2016 4B Corporation budget provided funding for the lease purchase

acquisition of replacement exercise equipment for the Booker T. Washington Recreation Center. Comm Fit was awarded the BuyBoard contract for this acquisition of exercise equipment with Kansas State Bank as the lease purchase financing option; so all competitive purchasing requirements have been met. The replacement equipment includes various cardio and weight equipment totaling \$74,311.00 per the attached quote. The equipment will be financed through a lease purchase agreement with Kansas State Bank for four years at an interest rate of 3.55% and interest totaling \$3,188.80 over the life of the lease.

**RS5. A RESOLUTION AUTHORIZING CONTRACT WITH IPS ADVISORS, LLP FOR PROFESSIONAL CONSULTING SERVICES AS THE CITY'S BENEFITS BROKER.**

Person presenting this item: Debra Powledge, Director of Human Resources

**BRIEF:** The City of Cleburne requested proposals for a Benefits Broker. Five proposals were reviewed by a five-person employee committee comprised of several different employees from a variety of departments. The top three finalist were chosen and extensive interviews were done. Based upon qualifications, experience, and services provided, the recommendation presented was to contract with IPS Advisors, LLP.

**RS6. A RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR COLLECTION AND DISBURSEMENT OF AN OPTIONAL CHILD SAFETY FEE ALLOWED BY TEXAS TRANSPORTATION CODE.**

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

**BRIEF:** The Texas Transportation Code, Section 502.403 and Johnson County Order 2012-19 allows for collection of a county fee of \$1.50 for registering a vehicle. The County is allowed to deduct an amount proportional to the percentage of county residents who live in unincorporated areas, with the remainder of the fee sent to municipalities to be distributed according to Article 102,014 (g) Code of Criminal Procedure. This interlocal agreement will allow the County to collect and retain the fee that should be sent to the City of Cleburne and to disburse the fee revenues to the Children's Advocacy Center of Johnson County, CASA of Johnson County, and the Family Crisis Center of Johnson County, equally, who have programs that meet the required criteria. The interlocal agreement is prompted by Texas Attorney General opinion on March 8, 2016 which requires the County to send the remainder of the collected fee to municipalities for distribution and was requested by County Judge Roger Harmon.

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**ORDINANCES**

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**OR1. \*PUBLIC HEARING\* AN ORDINANCE REZONING .1946 ACRES LOCATED AT 306 GRANBURY ST FROM CO (NON-RETAIL DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT), AS REQUESTED BY RILEY G MAXWELL PROPERTIES, LLC, REPRESENTED BY JOHN STRANGE.**

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

**BRIEF:** The purpose for this is to rezone is to accommodate a dental lab. The zoning for the surrounding property is C1 (Local Business District), CO (Non-retail District), C2 (General Business

District), SF-4 (Single-Family Dwelling District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be City Center North. The surrounding land use is City Center North and Central Corridor. P&Z recommended approval of the rezone with a vote of 6-0.

**OR2. \*PUBLIC HEARING\* AN ORDINANCE REZONING 7.771 ACRES LOCATED AT 3412 N MAIN ST FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT/SPECIFIC USE PERMIT FOR TRUCKING/TRUCK PARKING), AS REQUESTED BY JAMES A SPIRES.**

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

**BRIEF:** The purpose for this is to rezone is to accommodate a trucking business and comply with the zoning ordinance. The zoning for the surrounding property is M1 (Light Industrial District), C3 (Commercial District), C3/SUP (Commercial District/Specific Use Permit) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Approach Corridor. P&Z recommended approval of the rezone with the condition that they maintain dust free parking, landscaping and screening along front be added with a vote of 6-0.

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**OTHER COUNCIL MATTERS**

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**OC2. ACCEPT THE ANNUAL FINANCIAL AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2015.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** Section 8.12 of the City of Cleburne Charter states that an independent firm of certified public accountants will perform the annual audit and present the results to the City Council. On Friday, March 11, 2016, the Audit Committee met with Kevin Smith, the audit engagement partner, and Michelle Buss, the audit engagement manager, with the City's audit firm, Crowe Horwath, LLP, to review the results of the annual audit for Fiscal Year ended September 30, 2015 and the Statement on Auditing Standards audit management letter. The City received an unmodified opinion (Independent Auditor's Report), which is the most favorable audit opinion an entity can receive. Kevin Smith and Michelle Buss of Crowe Horwath, LLP will be present to give a brief presentation regarding the annual audit. The Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2015 is an exhibit to the staff report. A public copy of the CAFR is also available for review in the Finance Department, City Secretary's Office and Library. The CAFR will also be available on the City's website after acceptance by City Council.

**OC3. APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

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

**BRIEF:** Councilwoman Gayle White, Councilman John Warren, and Councilman Dale Sturgeon have completed their 1<sup>st</sup> terms on the board. Staff requests that they be reappointed to a 2<sup>nd</sup> term. All have expressed a willingness to serve if appointed.



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**WORKSHOP**

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

- A. Discuss long range water supply plan – Courtney Coates

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**EXECUTIVE SESSION**

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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 Reitz Environmental Services' permit application to Texas Commission on Environmental Quality (TCEQ)
2. Discuss Floyd v. City of Cleburne, Civil Action #3:13-cv-04901-P

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

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**ADJOURNMENT**

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**ADJOURNED AT:**

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