



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 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

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
- ✓ Randy Jenkins, Assistant Fire Chief
- ✓ Terry Leake, Finance
- ✓ Debra Powledge, Human Resources
- ✓ Rob Severance, Police Services

Department Heads:

- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION – Pastor Zane Mitchell, Deeper Life Christian Fellowship

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation – National Telecommunicator's Week, April 10-16, 2016

Recognition – Recognized Law Enforcement Agency

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

RESOLUTIONS

RS1. A RESOLUTION AUTHORIZING A DESIGN-BUILD CONTRACT WITH HUNT CONSTRUCTION GROUP TO CONSTRUCT A MULTI-PURPOSE STADIUM AT THE SOUTHEAST CORNER OF HWY 67 AND NOLAN RIVER ROAD.

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

BRIEF: The City of Cleburne is contracting with Hunt Construction Group to design and build a multi-purpose baseball stadium for use by the Cleburne Railroaders Baseball organization. The major points of this contract are outlined in the attached memo.

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 MARCH 22, 2016 REGULAR COUNCIL MEETING.

BQ1. PURCHASE PHILIPS HEARTSTART MRX MONITOR/DEFIBRILLATOR REFRESH SERVICE AND UPGRADES.

Person presenting this item: Randy Jenkins, Assistant Fire Chief

BRIEF: Staff is requesting approval to purchase from Philips Healthcare, Refresh Services and Upgrades for our current Philip Heartstart MRx Monitor/Defibrillators for a total cost of \$44,095.75. The Refresh Service includes an exterior cosmetic overhaul and replacement of the most critical, high-wear measurement and therapy components of the cardiac monitor/defibrillators. Additionally, the latest, most advanced technological capabilities will be added to the monitors. The Refresh Service will allow for improved patient care with the upgrades of new software, adding wireless connectivity to capture and transmit information electronically giving us the ability to quickly provide pertinent medical information to the receiving hospital. The addition of Q-CPR will allow for our firefighters to perform high-quality CPR by providing real-time measurement and feedback on the compression depth, release, and rate while CPR is in progress. These Refresh Services and Upgrades will restore the equipment technological edge to better serve our citizens as well as speed up patient care thus improving the quality of life. The Fire Department has five (5) Philips Heartstart MRx Monitor/Defibrillators

purchased in September 2008. It is not possible to solicit competitive bids because the Philips MRx Refresh Service is sold exclusively by Philips Healthcare.

BQ2. AUTHORIZE PURCHASE OF THREE POLICE PATROL VEHICLES FROM CALDWELL COUNTY CHEVROLET IN THE AMOUNT OF \$185,110.00.

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

BRIEF: These vehicles (2016 Chevrolet Tahoes) will replace units # 2031, 2044 and 2021 (a 2008 Chevrolet Charger, 2009 Chevrolet Charger and a 2012 Chevrolet Tahoe) in the Police Department. These replacement units are being ordered with all necessary police accessories and equipment. Caldwell County Chevrolet was awarded the BuyBoard contract for this vehicle so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the budget for Fund 03, Leased Equipment Fund, for the 2015-2016 fiscal year purchases.

RS2. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LAND LEASE ASSIGNMENT FROM PANTHER AVIATION TO EXCITE INVESTMENTS, INC.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Panther Aviation would like to sell hangar 1000 to Excite Investments, Inc. In order for the sale to go through, approval of the purchase and a lease assignment must be approved by the City Council. After the sale is completed, Excite Investments, Inc. would like to enter into a long term land lease with the City.

RS3. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A COLLATERAL SECURITY AGREEMENT WITH FIRST FINANCIAL BANK AND FROST BANK FOR BANK DEPOSITORY ACCOUNT COLLATERAL.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The City's depository bank is First Financial Bank and as a part of banking services for a public entity in the State of Texas, a bank must provide collateral as security for all public deposits above the FDIC limit of \$250,000. Per the Public Funds Collateral Act, that collateral (e.g Treasury notes, federal agency notes, other Texas public entities bonds) must be held at a banking institution separate from the depository bank. The bank that is the custodian that holds the City's collateral is Frost Bank. Attached is a collateral security agreement with First Financial Bank and Frost Bank for the collateral that safeguards the City's deposits

OR1. AN ORDINANCE AMENDING TITLE V: CHAPTER 51.034 (B) MISCELLANEOUS CHARGES AND PROVISIONS; RATES WHERE NO CHARGE SPECIFIED AND ADDING CHAPTER TITLE XIII: GENERAL OFFENSES, CHAPTER 130.27 – RETURNED CHECK CHARGE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: At the May 27, 2014 meeting, the City Council approved a change in the returned check charge from \$20 - \$25 per item returned. This change required several modifications in the Code. The information submitted to our codifiers by our office was incomplete and did not contain all the changes recommended by our attorney and approved by Council. This Ordinance is simply a cleanup item.

OC1. AUTHORIZE THE SALE OF TWO CITY/COUNTY TRANSPORTATION HYBRID BUSES PER INSTRUCTION FROM NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG).

Person presenting this item: Grady Easdon, Transportation Manager

BRIEF: City/County Transportation has two 2010 StarTrans Senator II hybrid buses funded by the FTA through NCTCOG that have reached the end of their useful lives, and NCTCOG has requested that we sell those two vehicles through the most expedient and profitable means. Unless sale price of each unit is less than \$5,000, all proceeds from the sale must be returned to NCTCOG for their use in funding future procurements. If sale proceeds are less than \$5,000 each, funds will be retained by the City of Cleburne and City/County Transportation. Estimates received have ranged from approximately \$12,000 each to \$35,000 each. However, both vehicles have had significant mechanical issues and major reliability problems.

OC2. APPROVAL OF ROTOR WASH MEDIA TO HOST AIRSHOW AT CLEBURNE REGIONAL AIRPORT.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Rotor Wash Media would like to hold an Airshow at the Cleburne Regional Airport in July of 2017. The show would be privately funded with a percentage of the proceeds going back to the Airport pending the success of the show.

ORDINANCES

****PUBLIC HEARING****

OR2. CONSIDER AN ORDINANCE REZONING 0.3289 ACRES BEING LOT 9 & 10, BLOCK 166, ORIGINAL CLEBURNE, LOCATED AT 413 ELMO STREET, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), AS REQUESTED BY RUBEN GARCIA, REPRESENTED BY MONA L. MEDINA

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

BRIEF: The purpose for this is to rezone 0.3289 acres being Lot 9 & 10, Block 166, Original Cleburne, located at 413 Elmo Street, from M1 (Light Industrial District) to SF-4 (Single-Family Dwelling District) to comply with zoning ordinance. There is currently a residence on this property and the owner is remodeling it. The zoning for the surrounding property is M1 (Light Industrial District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area to be City Center East. The surrounding land use is City Center East and Village. P&Z recommended approval of the rezone with a vote of 6-0.

****PUBLIC HEARING****

OR3. CONSIDER A REQUEST FOR THE TEMPORARY USE OF HULEN PARK LOCATED AT 900 S. HILLSBORO ST. FOR A CARNIVAL DURING SPRING FEST FROM APRIL 25, 2016 THRU APRIL 31, 2016, AS REQUESTED BY DOWNTOWN CLEBURNE ASSOCIATION REPRESENTED BY MAXINE AMMONS

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

BRIEF: The applicant is requesting Temporary Use of Hulen Park described under §155.58: Temporary Uses and restrictions set by the Parks Board.

§155.58: Temporary Uses

(3) Special events (including carnivals, circuses, tent revivals). For the purpose of this section, SPECIAL EVENTS are defined as any activity or event meeting the below defined criteria. Approval for special events may be obtained from the City Council after a recommendation from the Planning and Zoning Commission.

(a) The event or activity is carried on for a period of time not exceeding 15 consecutive days.

(b) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund raising purposes in any zoning district.

(c) Public assemblies carried on out-of-doors or in temporary shelters or tents.

Parks Board Restrictions:

1. Tarps or mats must be placed underneath anything where oil or gas could leak onto grass areas
2. All events must conclude by 10PM
3. Any damage to grounds must be repaired at DCA's expense (i.e., ruts left behind from carnival equipment, etc.)
4. All existing Parks ordinances apply (i.e., no overnight camping, no motorized vehicle traffic within park for safety, no glass containers)

The applicant meets all of the above criteria. The Carnival will begin setting up on Monday, April 25 and will complete clean up on Sunday, May 1st. Spring Fest will be held Saturday, April 30, 2016. The hours of operation will be 8 am until 10 pm. P&Z recommended approval by a vote of 6-0.

****PUBLIC HEARING****

OR4. CONSIDER AN ORDINANCE REZONING 10 ACRES BEING TR 17, ABST 269, MJ FALVEL SURVEY, LOCATED AT 2924 WEATHERFORD HWY, FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO M2/SUP (HEAVY INDUSTRIAL DISTRICT/SPECIFIC USE PERMIT FOR CONCRETE BATCH PLANT), AS REQUESTED BY ROBERT MATTHEWS, REPRESENTED BY AARON HERTZ.

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

BRIEF: The purpose for this is to rezone 10 acres being TR 17, ABST 269, MJ Falvel Survey, located at 2924 Weatherford Hwy, from M2 (Heavy Industrial District) to M2/SUP (Heavy Industrial District-Specific Use Permit for Concrete Batch Plant) to accommodate a concrete batch plant and comply with zoning ordinance. The zoning for the surrounding property is M1 (Light Industrial District), M2 (Heavy Industrial District), A (Agricultural District) & IH (Interim Holding District). The Comprehensive Land Use Plan shows this area to be Transportation and Industry. The surrounding land use is Transportation and Industry and Traditional Neighborhoods. P&Z recommended approval of the rezone with a vote of 6-0.

****PUBLIC HEARING****

OR5. CONSIDER AN ORDINANCE REZONING OF 5.425 ACRES BEING LOT 1, BLOCK 1, JOHNSON-GRIER ADDITION, LOCATED AT 4017 WINDMILL RD, FROM IH (INTERIM HOLDING DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY LUCIANO HAROS

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

BRIEF: P&Z considered this at its March 28, 2016 meeting. The purpose for this request is to rezone 4017 Windmill Rd. from IH (Interim Holding) to M2 (Heavy Industrial District) for future construction business. The zoning for the surrounding property is IH (Interim Holding District) and SF-4/MH (Single-Family Dwelling District/Manufactured Housing District). The Comprehensive Land Use Plan shows this area and surrounding area to be Transportation & Industry District. P&Z recommended that the property be rezoned to M2 (Heavy Industrial District) by a vote of 6-0.

****PUBLIC HEARING****

OR6. CONSIDER AN ORDINANCE REZONING OF 0.352 ACRES BEING LOT 27, DIAMOND ADDITION, LOCATED AT 4204 N MAIN ST, FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO M1 (LIGHT INDUSTRIAL DISTRICT), AS REQUESTED BY EDWIN & ANGELA SUMLIN.

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

BRIEF: P&Z considered this at its March 28, 2016 meeting. The purpose for this request is to rezone 4204 N Main St. from SF-4 to M1 for future commercial purposes. The zoning for the surrounding property is SF-4 (Single Family Dwelling District), SF-4/MH (Single Family Dwelling District/Manufactured Housing District), M1 (Light Industrial District) & M2 (Heavy Industrial District) The Comprehensive Land Use Plan shows this area and surrounding area to be Approach Corridor. P&Z recommended that the property be rezoned to M1 (Light Industrial District) by a vote of 6-0.

OTHER COUNCIL MATTERS

OC3. CONSIDER THE APPOINTMENT OF A MEMBER TO THE PLANNING & ZONING COMMISSION

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

BRIEF: Dr. Adam Bond's second term on the Planning and Zoning Commission expired January 24, 2016. Mr. Steve Talavera has submitted an application and staff recommends his appointment.

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 Reitz Environmental Services' permit application to Texas Commission on Environmental Quality (TCEQ)
2. Discuss Harrington Environmental Services permit application to Texas Commission on Environmental Quality (TCEQ)

B. § 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. Discuss Economic Development negotiations regarding a design-build contract with Hunt Construction Group and development agreement with New Era Partners for the Cleburne Station project
2. Discuss Economic Development project at the Airport.

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.