



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 28th day of JUNE, 2016, 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 June 24, 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

JUNE 28, 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
- ✓ 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 Pastor Jim Cloud, North Cleburne Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Presentation – May STARS Award Recipient – Cynthia Chapman, City Secretary

Presentation – First Southwest on the Type A Economic Development Corporation's Finance Plan for the Cleburne Station Project

V. CITIZENS COMMENTS (Guidelines)

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 JUNE 14, 2016 REGULAR COUNCIL MEETING.

BQ1. AUTHORIZE INSTALLMENT OF A NEW SIGN AT THE CLEBURNE REGIONAL AIRPORT BY SIGNCO FOR AN AMOUNT OF \$26,850.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The entrance sign to the airport is in need of replacement. After receiving quotes for the new sign from Signco, Razor Sign and Chandler Signs, Signco had the best quote \$24,879.00. Due to the new sign ordinance there was a slight increase in the amount to \$26,850.00. The funds to pay for the sign will come from the RAMP grant which pays 50%.

RS1. A RESOLUTION ADOPTING ETHICAL AND TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY THE CITY OF CLEBURNE AS REQUIRED BY TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 45.056.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On October 13, 2015, the City Council approved Ordinance OR10-2015-70 establishing the Juvenile Case Manager fee to fund a Juvenile Case Manager position, whose primary role is handling juvenile defendants. When an entity employs this position, the governing body must adopt ethical and training standards, as required by Texas Code of Criminal Procedures Article 45.056. Included in the proposed resolution is a required Code of Ethics, which includes standards of terms of confidentiality, conflicts of interest, competence, respect for the law, and abuse of position. The Juvenile Case Manager must take 24 hours of training prior to handling juvenile cases and eight hours of required training annually in subjects related to juvenile issues (Pre-Service and In-Service Training Standards), which is also included in the proposed resolution.

RS2. A RESOLUTION AUTHORIZING CONTRACT RENEWAL WITH CROWE HORWATH LLP FOR AUDITING SERVICES IN THE AMOUNT OF \$79,000 FOR FISCAL YEAR ENDING SEPTEMBER 30, 2016.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On July 10, 2012, the City Council approved a contract with Crowe Horwath LLP to provide audit services for the all funds of the City and audit services for federally required Single Audit programs, Texas Commission on Environmental Quality computation assurances, and issuance of a HUD SAS29 letter. This is the third and final year of the three one-year options to renew this contract and the cost is \$79,000.

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

Person presenting this item: Terry Leake, Director of Finance

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, HIGHLANDER ADDITION, BEING 1 ACRE TRACT IN THE DYER NUNER SURVEY LOCATED IN THE CITY'S ETJ; AS REQUESTED BY RONALD AND DARLENE PARKER.

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

BRIEF: The Planning and Zoning Commission considered this at its June 13, 2016 meeting. The purpose for this plat is to create one lot for residential use. The Comprehensive Land Use Plan shows this area to be Traditional Neighborhoods. The surrounding land use is Traditional Neighborhoods. There were no inquiries nor objections. P&Z recommended approval of this plat by a vote of 6-0.

OC3. APPROVE PLAT VACATION OF LOT 1, BLOCK A, KRIS BROWN ADDITION, AN ADDITION OF THE CITY OF CLEBURNE AND BEING 18.006 ACRES OUT OF THE A. MCANIER SURVEY; AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The Planning and Zoning Commission considered this at its June 13, 2016 meeting. The purpose for this request is to vacate the Kris Brown Addition Plat in order to approve the Preliminary and Final Plat of Cleburne Station. The zoning for this property is M1 (Light Industrial District). The applicant has applied to rezone to C3 (Commercial District). The zoning for the surrounding property is M1 (Light Industrial District), A (Agricultural District), SF-4 (Single-Family Dwelling District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be Regional Node. Surrounding land use is Regional Node, Traditional Neighborhoods and Regional Corridor. There were no inquiries nor objections. P&Z recommended approval of this plat vacation by a vote of 6-0.

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING A CONTRACT WITH ALLIANCE GEOTECHNICAL GROUP TO PROVIDE THIRD-PARTY MATERIALS TESTING AND INSPECTION SERVICES FOR THE CONSTRUCTION OF THE CLEBURNE DEPOT BASEBALL STADIUM.

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

BRIEF: On June 8, 2016, our owner's representative overseeing the baseball stadium construction, sent out a Request for Proposals for third-party materials testing for the stadium. This testing includes soils, concrete, pre-fab concrete, steel welds, masonry mortar, grout, steel connections and inspections. Alliance Geotechnical graded the highest of the proposals submitted. A contract price was negotiated with Alliance Geotechnical for \$117,400. These funds will be taken from our Stadium Construction fund.

RS4. A RESOLUTION AUTHORIZING CONTRACT WITH ARK CONTRACTING SERVICES FOR THE LAKE PAT CLEBURNE DAM ROCK RIPRAP REPAIR PROJECT IN THE AMOUNT OF \$699,952.00.

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

BRIEF: Sealed bids were solicited in order to repair/replace rock riprap slope protection and gravel bedding on selected areas of the upstream slope of Pat Cleburne Dam. Bids were received from five (5) vendors. Freese and Nichols Engineers reviewed the bids and verified references. The lowest, most responsible bid was received from Ark Contracting Services in the amount of \$699,952.00, per the attached recommendation from Freese and Nichols Engineers. This amount is comprised of a base bid of \$636,320.00 and includes a 10% contingency in the amount of \$63,632.00.

RS5. A RESOLUTION AUTHORIZING THE LAW ENFORCEMENT AGENCY EXECUTIVE ORDER 13688, CONTROLLED PROPERTY REQUEST AND TO ACCEPT THE MINE RESISTANT AMBUSH PROTECTION (MRAP) VEHICLE THROUGH THE TEXAS 1033 MILITARY SURPLUS PROPERTY PROGRAM.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Section 1033 of the National Defense Authorization Act of 1997 authorizes the Secretary of Defense to transfer certain excess equipment to local law enforcement agencies and allows local law enforcement agencies to obtain equipment which may not otherwise be affordable. The MWRAP is provided at no cost to local law enforcement agencies with the exception of costs associated with maintenance, fueling and specialized operational training.

RS6. A RESOLUTION AUTHORIZING A LONG-TERM LEASE AGREEMENT WITH EXCITE INVESTMENTS INC FOR HANGAR 1000 AT THE CLEBURNE REGIONAL AIRPORT.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Excite Investments, Inc. would like to enter into a 40-year land lease for hangar 1000. They are a Gulfstream Repair Station and will be performing maintenance on larger aircraft.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 1.874 ACRES LOCATED AT 300-320 N HYDE PARK BLVD FROM SF4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), AS REQUESTED BY MARK RHODES, REPRESENTED BY ALAN BABBITT.

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

BRIEF: The Planning and Zoning Commission considered this at its June 13, 2016 meeting. The purpose for this request is to accommodate 11 new single-family homes. The applicant would like to use the SF-4 requirements set in the ordinance §155.37 Residential Districts with the exception of some of the building setbacks and easements. The required front yard setback is 30 ft and the applicant is requesting 25 ft. The required side setback is 7' or 10% of the lot width and the applicant

is requesting 6 ft on the interior lot lines. The rear setback will stay the same as well as the street side yard setback at the corner of N. Hyde Park and Robin Place. The applicant is requesting a 10 ft side yard on the corner lot at N. Hyde Park and Meadowlark Dr instead of the required 15 ft. The applicant is also asking that the 8 ft utility easements along the interior lot lines be abandoned since all utilities are across the front of the property. The zoning for the surrounding property is MF (Multiple-Family Housing District), SF-4 (Single-Family Dwelling District), C2 (General Business District) and PD (Planned Development). The Comprehensive Land Use Plan shows this area and surrounding area to be Traditional Neighborhoods. There were inquiries and one objection. P&Z recommended that the property be rezoned to PD (Planned Development District) with the addition of sidewalks by a vote of 6-0.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 74.915 ACRES IN THE A MCANIER SURVEY, ABSTRACT 537 LOCATED AT THE SOUTHEAST CORNER OF N NOLAN RIVER RD AND KATHERINE P RAINES BLVD FROM M1 (LIGHT INDUSTRIAL DISTRICT) AND A (AGRICULTURAL DISTRICT) TO C3 (COMMERCIAL DISTRICT), AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The Planning and Zoning Commission considered this at its June 13, 2016 meeting. The purpose for this request is to accommodate a ball park and retail space. The Comprehensive Land Use Plan shows this area to be Regional Node. The surrounding Land Use is Regional Node, Traditional Neighborhoods and Regional Corridor. There were inquiries but no objections. P&Z recommended that the property be rezoned to C3 (Commercial District) by a vote of 6-0.

OR3. AN ORDINANCE AUTHORIZING THE RELEASE OF A 1994 DEMOLITION LIEN AGAINST PROPERTY LOCATED AT 206 W WESTHILL DR, AS REQUESTED BY HEIR OF PROPERTY OWNER, MRS JOHNNIE MAE BRADDOCK, REPRESENTED BY BRANDI MYERS GILBREATH OF CENTURY 21 TIM GAUNTT COMPANY.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: On April 7, 1994, the City filed a demolition lien Book 1774, Page 440 against property located at 206 West Westhill Drive (65' east of Lot 4, Block 421, Original Cleburne). The property at that time was owned by Dan Buckner, Inc. On August 19, 2002, a judgement of the Johnson County District Court ordered sale of the property and was sold at Sheriff's Tax Sale on July 1, 2003, to Joe E. Marchbanks for an amount of \$5,700.00 (for delinquent taxes). The demolition lien was not part of the judgement. The heir to the property, Mrs. Johnnie Mae Braddock wishes to sell this lot as well as adjacent lots and is requesting Council consider waiving the interest that has accrued during the last 22 years (\$34,341.78). The principal amount of \$4,050 would need to be satisfied in order to release the lien because it is an expense paid by the taxpayers for the demolition of the structure. However, it is the Council's discretion to forgive any, all or part of the interest accrued since 1994. Staff requests an administrative fee of \$50.00 for processing including county filing fees be applied making a total payment of \$4,100.00 required for release. See backup for attorney opinions for both requestor and the City.

OTHER COUNCIL MATTERS

OC4. *PUBLIC HEARING* APPROVE PRELIMINARY AND FINAL PLAT OF BLOCKS 1-2 & LOTS 1-2, BLOCK 3, CLEBURNE STATION, AN ADDITION TO THE CITY OF CLEBURNE, BEING 74.915 ACRES LOCATED IN THE A. MCANIER SURVEY, AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The Planning and Zoning Commission considered this at its June 13, 2016 meeting. The purpose for this plat is to create 3 blocks for the future use of a ball park and retail space. The zoning for this property is M1 (Light Industrial District) and A (Agricultural District). The applicant has applied to rezone to C3 (Commercial District). The zoning for the surrounding property is M1 (Light Industrial District), A (Agricultural District), SF-4 (Single-Family Dwelling District) and C3 (Commercial District). The Comprehensive Land Use Plan shows this area to be Regional Node. Surrounding land use is Regional Node, Traditional Neighborhoods and Regional Corridor. There were inquiries but no objections. P&Z recommended approval of this preliminary and final plat by a vote of 6-0.

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.**

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.