



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 12th day of JULY, 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 July 8, 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

JULY 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
- ✓ 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 Chuck Gartmann, Field Street Baptist Church

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.

APPROVAL OF MINUTES FOR THE JUNE 28, 2016 COUNCIL MEETING.

RS1. A RESOLUTION UPDATING THE CITY'S INVESTMENT POLICY AND INVESTMENT STRATEGY.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The Public Funds Investment Act, Government Code 2256, requires that public entities have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. Attached is an update to the City's investment policy (adopted October 14, 2014) containing recent legislatively adopted training standards, expansion of definitions of the permissible investments, the specific addition of the CDAR's CD investment program as a permissible investment, specific exclusion of State authorized investments such as banker's acceptances and commercial paper and other process changes to align with the Public Funds Investment Act, a broker/dealer questionnaire, dealer investment policy review certification and glossary. There is a requirement in the Public Funds Investment Act, Government Code 2256.005 that the governing body review and affirm the investment strategy, and the adoption of the strategy contained within the policy constitutes review and affirmation for Fiscal Year 2016. The changes outlined in the document were reviewed by the Investment Committee.

OR1. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2015 TO SEPTEMBER 30, 2016 (#2), BY REALLOCATING \$197,785 FROM CAPITAL FUND, GENERAL CAPITAL PROJECTS FUND 53, STREET REPAIR PROGRAM (5379-8850) TO CAPITAL EQUIPMENT (5379-8930).

Person presenting this item: Terry Leake, Director of Finance

BRIEF: This change will provide funding for a pothole patcher truck for the Street Repair Program.

Account Number	Account Title	Original Budget Amount	Budget Adjustment	New Budget Amount
53-79-8930	Capital, Equipment	0	197,785.00	197,785.00
53-79-8850	Capital, Streets & Curbs	3,200,000.00	(197,785.00)	3,002,215.00

BIDS & QUOTES

BQ1. AWARD PURCHASE OF ONE POTHOLE PATCHER TRUCK TO FRENCH ELLISON TRUCK CENTER IN THE AMOUNT OF \$197,785.00 TO BE USED IN THE STREET DEPARTMENT.

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

BRIEF: The Rosco RA-400 Pothole Patcher will be used in the Street department. French Ellison Truck Center was awarded the HGACBuy contract for this vehicle so all competitive purchasing

requirements have been met. An amendment of \$197,785.00 is proposed to the Capital Projects Fund (Fund 53) to provide funding. The purchase of this equipment will enable the Street Maintenance Department to repair potholes in the most cost effective manner available. The labor required for pothole patching will be reduced by 66% and quality of the repair improved by an estimated 18-38%. Efficiency and safety of City employees will be drastically improved over traditional patching methods because the equipment operator remains within the safety of the vehicle cab.

RESOLUTIONS

RS2. A RESOLUTION AUTHORIZING THE LAW ENFORCEMENT AGENCY EXECUTIVE ORDER 13688, CONTROLLED PROPERTY REQUEST AND TO ACCEPT A 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 MRAP is provided at no cost to local law enforcement agencies with the exception of costs associated with maintenance, fueling and specialized operational training.

RS3. A RESOLUTION AWARDING CONTRACT TO WHITEWATER CONSTRUCTION FOR THE PRESSURE PLANE MODIFICATIONS PROJECT IN THE AMOUNT OF \$2,633,702.50.

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

BRIEF: Sealed bids were solicited for the completion of necessary pressure plane modifications. The project will improve water pressure at the higher elevation areas in town and will allow for the proper cycling of the elevated storage tanks in the low pressure plane. Bids were received from four (4) vendors. Childress Engineers reviewed the bids and verified references. The lowest, most responsible bid was received from Whitewater Construction in the amount of \$2,633,702.50, which includes a contingency of \$239,427.50 (10% of the project).

RS4. A RESOLUTION APPROVING A BUILDING MOVING PERMIT FROM 210 ½ (AKA 204) W KILPATRICK AVE TO 1802 N WILHITE ST, AS REQUESTED BY PROPERTY OWNERS TERESA BLACKWELL AND ROGER PEDIGO.

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

BRIEF: On June 10, 2016, an application for a Building Moving Permit was submitted by Teresa Blackwell and O. J. Long to move a house located on property owned by Roger Pedigo at 210 ½ (aka 204) West Kilpatrick Street to 1802 North Wilhite Street. Twenty-four (24) property owners within 200 feet of 1802 Wilhite were notified. Twenty-two (22) responses IN FAVOR were received and NO (0) AGAINST. Two (2) property owners DID NOT RESPOND. Section 150.103 (C) allows for Council to approve or deny the BUILDING MOVING PERMIT without acquiring consent in writing when in the judgement of the City Council no substantial injury or damage will be caused the

property lying within 200 feet of the lot on which the building will be placed. If the permit is approved, all other requirements of Section 150.090- 150.105 will be met prior to issuance of the permit. Section 150.103 (B) allows the Building Official at his discretion to defer the granting of any permit for moving a house or building to City Council for consideration. The denial of a permit requires action of the Council.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 9.74 ACRES BEING LOTS 1 & 2, BLOCK 1, DOUD LAND CO ADDITION, LOCATED AT 3941 WINDMILL RD, FROM IH (INTERIM HOLDING DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY RE POOL II, LLC, REPRESENTED BY BEN DOUD.

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

BRIEF: The Planning and Zoning Commission considered this at its June 27, 2016 meeting. The purpose for this request is to accommodate a fabrication and manufacturing business. The zoning for the surrounding property is M2 (Heavy Industrial District), SF-4 (Single-Family Dwelling District), SF-4/MH (Single-Family Dwelling District and/or HUD Code Manufactured Housing-Inactive zoning district) and IH (Interim Holding District). The Comprehensive Land Use Plan shows this area and surrounding area to be Transportation and Industry. Notifications were sent out to property owners in a 200' radius and there were neither inquiries or objections. P&Z recommended approval of the request by a vote of 4 to 0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 0.5909 ACRES BEING LOT 1A, BLOCK 613, ORIGINAL CLEBURNE, LOCATED AT 1003 GRANBURY ST, FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), AS REQUESTED BY TAMARA RENDON, REPRESENTED BY JOSHUA RENDON.

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

BRIEF: The Planning and Zoning Commission considered this at its June 27, 2016 meeting. The purpose for this request is to accommodate a house that was previously converted to multiple dwellings. The zoning for the surrounding property is C1 (Local Business District), SF-4 (Single-Family Dwelling District), CO (Non-retail District) and C2 (General Business District). The Comprehensive Land Use Plan shows this area and surrounding area to be City Center North. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the request by a vote of 4 to 0.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 0.322 ACRES BEING LOT 2 & 4A, BLOCK 843, ORIGINAL CLEBURNE, LOCATED AT 1020 GRANBURY, FROM C2 (GENERAL BUSINESS DISTRICT) TO C3 (COMMERCIAL DISTRICT), AS REQUESTED BY TAMARA RENDON, REPRESENTED BY JOSHUA RENDON.

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

BRIEF: The Planning and Zoning Commission considered this at its June 27, 2016 meeting. The

purpose for this request is for the expansion of a paint and body business that is currently located at 1026 Granbury St. The zoning for the surrounding property is C3 (Commercial District), C1 (Local Business District), C2 (General Business District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be City Center North. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the request by a vote of 4 to 0.

OR5. *PUBLIC HEARING* AN ORDINANCE CREATING A NEW REINVESTMENT ZONE, NO. 2016-01, WITHIN THE CITY OF CLEBURNE FOR A PROPOSED INDUSTRIAL PROJECT TO BE LOCATED AT 2036 E HENDERSON ST BENEFITING PAREX USA INC.

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

BRIEF: Parex, USA has submitted an application for tax incentives for their proposed new facility located at 2036 E. Henderson St. In order for the city to consider tax incentives and or tax abatement, a Reinvestment Zone or Enterprise Zone with prescribed boundaries must be available or one must be created if non currently exists. Currently no reinvestment or enterprise zone exists at this location, therefore creating the need for the city to establish this new reinvestment zone. A Notice of Public Hearing must be published and posted prior to approval as well as notification must be sent to other local taxing entities. The State Tax Code allows cities and counties to establish these reinvestment zones following state guidelines and procedures. The city or county creating the zone must have approved criteria, guidelines and policy in place allowing such tax incentives or abatements. Cleburne's policy with these guidelines and criteria were last approved by the City Council by Resolution RS07-2015-57.

OR6. AN ORDINANCE GRANTING A TAX ABATEMENT TO PAREX USA, INC LOCATED AT 2036 E HENDERSON ST PER THE CITY'S GUIDELINES AND CRITERIA FOR TAX ABATEMENTS APPROVED BY COUNCIL ON JULY 14, 2015.

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

BRIEF: Parex USA submitted an application for a tax abatement on their planned facility and company expansion in Cleburne. The project is estimated to require \$4,800,000 in new capital investment and the addition of twenty-five (25) jobs with a projected annual payroll of \$1,500,000. An economic impact analysis has been prepared for the project and the impact will be beneficial to the citizens of the city as well as other local taxing entities. Utilizing the current approved tax incentive guidelines, criteria and policy, Parex is eligible for a 40% abatement for four (4) years. A performance agreement will be required subject to the Council approving the requested abatement.

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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