



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 13th day of SEPTEMBER, 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

, 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 September 9, 2016, by 5:30 p.m.

City of Cleburne



By Ivy Peterson
Ivy Peterson, Deputy 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
SEPTEMBER 13, 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
- ✓ Steve Polasek, Deputy 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 Kenny Rigoulet, United Presbyterian Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation – National POW/MIA Recognition Days, September 16-18, 2016, as requested by American Legion Auxiliary, Marty Peters

Proclamation – Constitution Week, September 17-23, 2016, as requested by National Society Daughters of the American Revolution, Wilma Reed

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 AUGUST 23, 2016 COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The grant is a 50/50 match from the Texas Department of Transportation that is received annually to help with the grounds, building and weather station maintenance. The grant amount is \$50,000.00. An example of the items covered are:

- Runway/taxiway light bulbs and fixtures
- Maintenance agreement for the weather station AWOS (Automated Weather Observation Station)
- Hangar/building maintenance
- Self Service fuel island repairs

All airside maintenance needs come first. The runway/taxiway lighting, pavements, drainage and weather station are considered airside. The items that directly relate to the travel of aircraft come first before other items are addressed.

RS2. A RESOLUTION APPROVING THE ASSIGNMENT OF A LAND LEASE AT THE CLEBURNE REGIONAL AIRPORT FOR HANGAR 900 FROM WILLIAM AND CLAUDIA BUKIN TO DAVID JOHNSON DBA DJS AVIATION SERVICES.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: William and Claudia Bukin would like to sell their hangar to David Johnson dba DJS Aviation Services. In order for the sale to go through, approval of the purchase and a lease assignment must be approved by Council. There is no increase in the annual hangar rent of \$2,203.00 with this lease assignment.

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BELLE LAGOS, LLC THROUGH THE RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM.

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

BRIEF: This Resolution provides incentives to develop Phase I of a residential development. This agreement is authorized under the 1000 Homes Incentive Program approved by Council in 2015. Belle Lagos will construct a high quality home with agreed upon standards listed in the agreement. Belle Lagos, LLC plans to construct additional homes in the future (Phases 2 and 3) if Phase 1 is successful. The agreement will provide a tax rebate to Belle Lagos, LLC for each home built in Phase 1 for 5 years and waive development and inspection fees as offered in the 1000 home program. In return, Belle Lagos will build an upscale housing development. The tax abatement also creates an incentive to construct the homes quickly calling for the construction of 20 homes per year.

RS4. A RESOLUTION AUTHORIZING LAND AND BUILDING LEASE AGREEMENT WITH RT GENERAL, LLC FOR HANGAR 98 AT THE CLEBURNE REGIONAL AIRPORT.

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

BRIEF: RT General, LLC would like to enter into a 15-year land and building lease for Hangar 98. In consideration of RT General investing up \$300,000 in building improvements to the City's Hangar 98, the City will lease the building and land for no cost for the next ten years. After the ten-year period, RT General will pay approximately \$1,331 per month. Additionally, the City will spend approximately \$30,000 to extend a water line to support a fire sprinkler system to the building.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 0.156 ACRES (LOCATED AT 321 W HEARD ST) FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), AS REQUESTED BY CHARLES HEMPHILL.

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

BRIEF: The Planning and Zoning Commission considered this at its August 22, 2016 meeting. The purpose for this request is to utilize a garage apartment built on the property. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), C2 (General Business District) and C1 (Local Business District). The Comprehensive Land Use Plan shows this area and surrounding area to be City Center North. The proposed use is not included in the Appropriate Uses or the Specially Permitted Uses of the City Center North District. Notifications were sent out to a 200' radius and there were no inquiries nor objections. P&Z recommended that the request for rezone be denied with a vote of 6-0.

The public hearing notification was published in the newspaper on August 5th. However, as of the posting of this agenda, Mr. Hemphill has submitted his desire to withdraw the rezoning request and it is included in the backup.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 6.638 ACRES (LOCATED AT 3601-3621 CR 902) FROM IH (INTERIM HOLDING DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), AS REQUESTED BY BRAD BURKE.

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

BRIEF: The Planning and Zoning Commission considered this at its August 22, 2016 meeting. The purpose for this request is for future industrial use. The zoning for the surrounding property is IH (Interim Holding District) and M2 (Heavy Industrial District). The Comprehensive Land Use Plan shows this and surrounding area to be Transportation and Industry. This is listed as an appropriate use in the Transportation and Industry 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 6-0.

OR3. AN ORDINANCE AMENDING THE 2015-2016 ANNUAL BUDGET (#3) BY ALLOCATING \$27,583 FROM THE GENERAL FUND FOR THE IMPLEMENTATION OF PHASE II OF THE CLEBURNE FIRE DEPARTMENT AS THE PRIMARY AMBULANCE

SERVICE PROVIDER.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: In January 2016, the City Council adopted Resolution RS01-2016-07, which designated the Cleburne Fire Department as the primary emergency ambulance service provider, as permitted in the City's Code of Ordinances, Chapter 110: Ambulances. On March 8th, the City Council adopted a General Fund budget amendment in the amount of \$255,075 to fund the hiring of three firefighters and implement Phase I of the ambulance service change. On August 26th, the City Council approved the hiring of four additional firefighters (Ordinance OR08-2016-40 effective September 23, 2016). A General Fund budget amendment is needed to provide funding for four additional personnel and other expenses relating to the Phase II implementation of the ambulance service. The additional expenditures (\$27,583) will be offset by the additional revenue received from ambulance billings (\$35,000). The proposed line item allocation of expenses and projected revenue is included in the backup. The proposed General Fund budget amendment will revise the total adopted General Fund budget (as amended by Ordinance OR03-2016-13) from \$37,916,159 to \$37,943,742.

OTHER COUNCIL MATTERS

OC1. **PUBLIC HEARING APPROVE FINAL PLAT OF LOTS 1-20, BLOCK A, LOTS 1-6, BLOCK B, LOTS 1-13, BLOCK C AND LOTS 1-12, BLOCK D, BELLE LAGOS ADDITION (BEING 14.8 ACRES IN THE H & TCRR SURVEY, A-400); AS REQUESTED BY EDWARD PETERS AND KENNETH LEE, REPRESENTED BY ADLAI PENNINGTON.**

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

BRIEF: The Planning and Zoning Commission considered this at its August 22, 2016 meeting. The purpose for this final plat of Phase 1 of Belle Lagos is to create 51 residential lots. The zoning for this property is PD (Planned Development District). The zoning for the surrounding property is SF-4 (Single-Family Dwelling District) and PD (Planned Development District). The Comprehensive Land Use Plan shows this area and surrounding area to be Village and Center City West. Notifications were sent out to a 200' radius and there were inquiries and objections. P&Z recommended approval of this plat by a vote of 6-0.

OC2. APPOINTMENT TO THE MUSEUM ADVISORY BOARD.

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

BRIEF: Staff requests appointment of Dr. Chloe Northrop to replace Josh Turner who resigned from the board in April due to scheduling conflicts. Also, Florence Dossett's first term expires September 23rd and she is willing to serve a second term if reappointed.

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 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.**

§ 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 hotel occupancy tax contract

§ 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. **AND § 551.072. Deliberation Regarding Real Property; Closed Meeting.** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

1. Discuss real property acquisition near Woodruff & Jackson (aka Hedrick) Roads

§ 551.074. Personnel Matters; Closed Meeting. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. Courtney Coates, Director of Public Works

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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