



REGULAR CITY COUNCIL MEETING AGENDA
SEPTEMBER 27, 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
- ✓ 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 James Stanley, Our Father's House

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Presentation: STARS Award Recipient Barry Townsend, Cemetery Department
Recognition: Achievement for Excellence in Financial Reporting

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 SEPTEMBER 13, 2016 COUNCIL MEETING.

Person presenting this item: Shelly Doty, City Secretary

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

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS1. A RESOLUTION AUTHORIZING AGREEMENT WITH FREESE AND NICHOLS FOR ENVIRONMENTAL MONITORING AT THE CITY'S SOLID WASTE LANDFILL FACILITY, AS REQUIRED BY TCEQ FOR AN AMOUNT NOT TO EXCEED \$64,000 AND AN OPTIONAL 1 YEAR RENEWAL FOR 2017 FOR AN AMOUNT OF \$58,000.

Person presenting this item: Denise Jones, Assistant to the City Manager

BRIEF: The environmental monitoring includes groundwater and methane monitoring services as specified in the Landfill's operating permit. The agreement for 2016 monitoring services includes additional monitoring that was suspended by TCEQ in June and is not to exceed \$64,000. It includes submittal of the annual report by January 2017. Option Year 1 for 2017 monitoring shall not exceed \$58,000 and will include submittal of the annual report by January 2018.

RS2. A RESOLUTION RATIFYING A RESOLUTION ADOPTED BY THE CLEBURNE TYPE A ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS FOR THE ISSUANCE OF THE CORPORATION'S SALES TAX REVENUE BONDS, TAXABLE SERIES 2016; APPROVING THE ISSUANCE OF THE BONDS AND THE PLAN OF FINANCING AUTHORIZED THEREBY AND THE FINANCING DOCUMENTS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On August 23, 2016, the Board of Directors of the Cleburne Type A Economic Development Corporation approved a resolution authorizing staff to proceed with the issuance of

sales tax revenue debt in the approximate principal amount of \$7,035,000. The bonds will be issued for projects authorized by a sales tax election held within the City of Cleburne on November 3, 2015 to include improvements that are related infrastructure for a professional league baseball stadium to be constructed within the City: Cleburne Station Parkway (West), Brazzle Blvd. (South), Ballpark parking lot, stadium accoutrements for the Ballpark and bond issuance cost. The source of repayment for these bonds is the Type A Corporation's ½ cent sales tax, also approved by the voters on November 3, 2015 for the purpose of constructing a stadium. The bonds will be sold on Tuesday, September 27, 2016 and attached is a presentation approved by the Cleburne Type A Economic Development Corporation on August 23, 2016 using a 5% interest rate for the taxable debt. As a point of reference, market conditions could improve or deteriorate in the interim from the projection. Due to the change in bond market supply conditions, a negotiated sale will be held, and RBC Capital will be the underwriters in the bond issue. This information will be updated for the September 27, 2016 City Council meeting with the results of the bond sale.

ORDINANCES

OR1. AN ORDINANCE AMENDING THE ANNUAL 2015-2016 BUDGET (#4) BY ALLOCATING \$332,000 FROM THE GENERAL FUND FOR EXPENDITURES RELATED TO INCREASED USAGE OF SANITATION SERVICES, TRANSFER STATION SERVICES AND BOOKER T. WASHINGTON RECREATION CENTER MERCHANDISE SALES TO BE OFFSET BY A REVENUE INCREASE OF \$332,000 AND REALLOCATING \$157,877 FROM GENERAL FUND (01) VARIOUS DEPARTMENT ACCOUNTS TO FUND OPERATIONAL OVERAGES; AUTHORIZING THE CITY MANAGER TO TRANSFER \$489,877 TO THE GENERAL CAPITAL PROJECTS FUND (53) TO PRESERVE UNSPENT GENERAL FUND BUDGET APPROPRIATIONS FOR FUTURE PROJECTS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Per Section 8.2 of the City of Cleburne Charter, Transfer of Appropriations “The City Manager may at any time with the approval of the Council transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the City Manager, the Council may, by resolution, transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.” As a fiscal year end adjustment, the City Manager is proposing to transfer projected unspent expenditure balances to cover expenditures greater than the adopted line item budget for various departments. Transfers within the various General Fund budget line items (see attached Budget Adjustment form) are proposed to cover various expenditure overruns that occurred due to operational situations. There are various departments that had position vacancies during the fiscal year, which yielded sufficient savings in departments to cover most of the expenditure overruns. A portion of the Sanitation Department's expenditure overruns are offset by additional revenue (\$330,000) and the increase to Booker T. Washington Recreation Center's cost of items sold line item increase are offset by additional revenue (\$2,000), therefore the increase to the General Fund Budget is \$332,000 with a net decrease to General Fund (01) fund balance of \$0, due to the revenue offset. Also, there are some

expenditure items due to staffing or weather factors that will be transferred to the Capital Projects Fund (Fund 53) for completion in future years. The primary reasons for operational overruns by department during the current fiscal year are as follows:

- Sanitation – A greater amount of expenditures at the Transfer Station and the other sanitation services, due to greater amount of trash hauled, grinding and landfill charges, and repairs to the sanitation trucks. A portion of the expenditure increase is offset by an increase in revenue in the amount of \$330,000
- Railroad Museum – Expenditures for opening the Temporary Railroad Museum
- Museum – Minor repairs and maintenance to Layland Museum

Transfer to General Capital Projects Fund (Fund 53) – Funding projects included in the current year General Fund budget that will be completed in future years: Parks bathrooms (\$272,877), Transfer Station roof replacement (\$60,000), Cemetery street paving (\$97,000), Temporary Railroad museum façade (\$25,000) and Parks Master Plan update (\$35,000).

OR2. *PUBLIC HEARING* AN ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR THE CITY OF CLEBURNE FOR FISCAL YEAR OCTOBER 1, 2016 THRU SEPTEMBER 30, 2017.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: In accordance with Section 6.2 of the City of Cleburne Charter, Preparation and Submission of Budget, the City Manager submitted to the City Council the proposed Fiscal Year 2016-2017 budget at the City Council Budget work session held on August 15, 2016. At the work session, City Council gave direction to the City Manager to add the following items to the Fiscal Year 2016 – 2017 budget: fee to run a 26 week Cleburne Farmer's Market at Market Square (\$18,850), silt clean-up at Jane Haven HOA (\$25,000), transfer to the Airport Fund for Hangar 98 Fire Sprinkler system (\$28,000), Downtown facade grant (\$20,000). Additionally, City Council gave direction to move forward with Phase II of the Cleburne Fire Department providing primary ambulance service. The hiring of the four firefighter positions was approved on August 26, 2016 to be effective on September 23, 2016. There was an additional \$456,866 added to the budget to be offset by \$363,361. Included in the General Fund budget is a draw down in the amount of \$200,000 to offset the start-up cost of Phase II for providing the ambulance service and the required General Fund expense fund balance coverage.

As a point of reference, this item is presented as public hearing to be in compliance with Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states "At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof." To be in compliance with this Charter requirement, at the August 9, 2016 City Council meeting, the City Council stated its intent to schedule and hold the public hearing to adopt the budget on September 27, 2016, at 5:00pm, a regularly scheduled meeting of the City Council. Additionally, to be in compliance with State law, a record vote must be taken on this proposed ordinance. The proposed ordinance includes the appropriation amounts for the following budgets: General Fund, Water/Wastewater Fund, General Debt Service Fund, 4B Sales Tax Fund, 4A Corporation Sales Tax Fund, Airport Fund, and Drainage Utility Fund.

OR3. *PUBLIC HEARING* AN ORDINANCE SETTING THE 2016 AD VALOREM TAX RATE AT \$0.804018/\$100 VALUATION; APPORTIONING SAID LEVY FOR AN INTEREST AND SINKING FUND FOR CERTAIN BOND INDEBTEDNESS AND FOR GENERAL OPERATING NEEDS; EFFECTIVE OCTOBER 1, 2016.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in – Taxation” laws in setting tax rates. The proposed rate for Fiscal Year 2016-2017 is \$0.804018 per \$100 of valuation, which is the rate presented to the City Council at the August 15, 2016 budget workshop. This rate is unchanged from FY 2015-2016, and would be the fourth straight year with this proposed tax rate. The calculated FY 2016-2017 effective tax rate is \$0.827837 per \$100 of valuation utilizing the July 25, 2016 certified tax roll. As the proposed tax rate of \$0.804018 per \$100 of valuation is lower than the effective rate of \$.827837 per \$100 of valuation, legislation requires City publish the “Notice of 2016 Proposed Tax Rate”, and the notice (attached) was published in the *Cleburne Times-Review* on August 24, 2016.

As a point of reference, the effective tax calculation rate sets the interest and sinking rate (Debt Service rate) at \$0.150362. The remainder of the tax rate of \$0.653656 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the FY 2016-2017 tax rate reflects these rates, as required by the effective tax rate calculation.

OR4. AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 91: ANIMALS.

Person presenting this item: Lt. Shane Wickson, Interim Animal Services Manager

BRIEF: The proposed ordinance includes additions and amendments to Chapter 91 – Animals. It was discussed during Council Workshops on July 14th and 28th of 2015 and has been reviewed by the Animal Shelter Advisory Board and legal counsel. The proposed ordinance includes those modifications in which City Council previously displayed general consensus. Also included, and embedded within the proposed Ordinance as Items 1-7, are those proposals that Council may wish to consider individually as a part of this presentation or at a future date. Individual consideration of Items 1-7 may be addressed as part of the motion to either include or exclude each.

OTHER COUNCIL MATTERS

OC2. APPOINTMENTS TO THE 4B ECONOMIC DEVELOPMENT BOARD OF DIRECTORS.

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

BRIEF: Consider appointments to the 4B Economic Development Board of Directors to replace Michael Zachary and Linda Wallace whose terms expire in September.

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.**

§ 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 possible real property acquisition in downtown Cleburne area

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.