



REGULAR CITY COUNCIL MEETING AGENDA

OCTOBER 11, 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 Father Chris Woodall, Holy Comforter 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 SEPTEMBER 27, 2016 COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF GRAPEVINE, TEXAS FOR COOPERATIVE PURCHASING.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The City of Cleburne and the City of Grapevine desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by both governmental entities. The City of Cleburne and the City of Grapevine will engage in the purchase of items and services that are used by both entities and as jointly agreed upon by the purchasing officers of both entities. As a general rule, the governmental entity that used the most of a particular commodity or service will be the lead agent in making a joint purchase. Each entity will be responsible for payment of its portion of the proportionate purchase costs directly to the vendor.

RS2. A RESOLUTION AUTHORIZING AN AGREEMENT WITH JOHN DEERE CREDIT (BUYBOARD CONTRACT #447-14) TO LEASE-PURCHASE A TRACTOR/LOADER FOR THE MUNICIPAL GOLF COURSE IN THE AMOUNT OF \$31,005.19.

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

BRIEF: The contract through John Deere Credit would provide a tractor/loader to help maintain the golf course grounds for a cost of \$26,133.40 (tractor) and \$4,871.79 (loader) totaling \$31,005.19. This contract would be a three-year lease-purchase agreement, and payments will be \$10,776.17 per year at an interest rate of 4.25% with interest totaling \$1,324.32 over the life of the lease. As the life span of the tractor/loader is approximately 10 years, it was determined that a lease purchase of the equipment rather than the previous operating lease was the best method to acquire the equipment. This lease agreement has been competitively bid through BuyBoard contract #447-14, so all competitive purchasing requirements have been met. See Action Report for more fiscal impact details.

OC1. APPROVE FINAL PLAT OF LOT 1-2, BLOCK 1, JERRY FOX ADDITION (BEING 9.998 ACRES IN THE CITY'S ETJ, JOHNSON COUNTY SCHOOL LAND SURVEY), AS REQUESTED BY JERRY FOX, REPRESENTED BY TRANS TEXAS SURVEYING.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The Planning and Zoning Commission considered this at their September 26, 2016

meeting. The purpose for this final plat is to create two lots in the extra territorial jurisdiction for residential purposes. The Comprehensive Land Use Plan shows this area and surrounding area to be Farmland Community. P&Z recommended approval of this plat by a vote of 6-0.

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH CLEBURNE INDEPENDENT SCHOOL DISTRICT RELATING TO THE DONATION OF A 71-PASSENGER SCHOOL BUS TO BE USED FOR POLICE TRAINING PURPOSES; SPECIFICALLY RELATED TO VEHICLES TYPICALLY USED FOR STUDENT TRANSPORTATION.

Person presenting this item: Keith Fox, Police Department Assistant Team Leader

BRIEF: The Cleburne Independent School District has offered to donate a 71-passenger school bus to the Cleburne Police Department for the purpose of police training. The bus is no longer mechanically sound and was recently retired from their transportation fleet. Police officers would greatly benefit from training on an actual school bus for reasons such as: familiarization with narrow bus interiors, strategies for hostage rescue/vehicle takedown, address safety concerns for responding officers, and understanding the need for multiple officers to accomplish the tactical mission. The need for school bus training is important for primarily two reasons: 1) Cleburne ISD has 55 school bus routes and 2) more than 2,000 students are enrolled for bus transportation – more than 1,700 students rely on school bus transportation daily. Proactive training relating to school buses would allow officers to be more prepared in their ability to address tactical situations which might arise on a school bus. The bus is available for immediate delivery. Bus will be driven to fleet maintenance where all fluids will be drained. Lone Star Towing and Recovery will tow the bus from fleet maintenance to the Cleburne PD firearms training area where it will remain and used for training exercises.

RS4. A RESOLUTION AUTHORIZING A 3-YEAR OPERATING LEASE CONTRACT WITH JOHN DEERE CREDIT (BUYBOARD CONTRACT #447-14) TO PROVIDE MAINTENANCE EQUIPMENT FOR THE MUNICIPAL GOLF COURSE IN THE AMOUNT OF \$299,841.00.

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

BRIEF: The contract through John Deere Credit will provide the following necessary equipment to maintain the golf course grounds: three John Deere 2500B PrecisionCut greens mowers, one John Deere 2500B PrecisionCut greens mower with vertical cutting unit, two John Deere 7700A PrecisionCut fairway mowers, one John Deere Z997R 72-inch side discharge deck, one ProGator 2030A, and one Gator TX Turf. This contract would be a three-year operating lease and payments will be \$82,285.29 per year. The life span of the specialized equipment in this package is approximately 3-4 years due to daily usage. This lease agreement has been competitively bid per BuyBoard contract #447-14, so all competitive purchasing requirements have been met. See Action Report for more fiscal impact details.

RS5. A RESOLUTION AUTHORIZING AIRPORT PROJECT PARTICIPATION AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR NON-PRIMARY ENTITLEMENT FUNDS TO BE USED FOR THE REPLACEMENT OF

HANGAR 1000 APRON.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: This agreement authorizes us to use the Non Primary Entitlement funds for FY 2016 to replace the apron in front of Hangar 1000. The Non Primary Entitlement funds are given to the airport from the Federal Aviation Administration each year in the amount of \$150,000 to help with airport projects. The estimated cost for the project is \$643,000 and the City portion will be \$493,000. The funds for this project would be generated from an interfund loan to the airport and be repaid by the proceeds from jet fuel sales. The apron is very thin and we have already had to repair a hole that was caused from an aircraft going through the pavement. This repair will enable larger aircraft to utilize Hangar 1000 and the parking area in front. See Action Report for more fiscal impact details.

RS6. A RESOLUTION AUTHORIZING THE ISSUANCE OF A BUILDING MOVING PERMIT TO MOVE A HOUSE FROM 206 W KILPATRICK AVE TO 213 N PENDELL ST IN ACCORDANCE WITH TITLE XV: LAND USAGE, CHAPTER 150 – BUILDING REGULATIONS, SECTION 150.103©, OF THE CODE OF ORDINANCES, AS REQUESTED BY ROGER PEDIGO AND BILLY HILTON.

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

BRIEF: On September 29, 2016, an application for a Building Moving Permit was submitted by Roger Pedigo and Billy Hilton to move a house from 206 W Kilpatrick St to 213 N Pendell St. Twenty (20) property owners within 200 feet of 213 Pendell were notified. Fourteen (14) responses were received in favor and zero (0) were against. Six (6) 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 to 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.

RS7. A RESOLUTION ACCEPTING THE GUARANTEED MAXIMUM PRICE WITH HUNT CONSTRUCTION GROUP, INC FOR THE CONSTRUCTION OF THE CLEBURNE DEPOT BASEBALL STADIUM IN THE AMOUNT OF \$21,320,000.

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

BRIEF: The City is contracting with Hunt Construction Group to design and build a multi-purpose baseball stadium for use by the Cleburne Railroaders Baseball organization. Hunt has simultaneously been designing, getting bids from contractors and started construction on the stadium to meet our tight deadline to have the stadium ready for the baseball season in 2017. Part of their contract calls for them to provide us a guaranteed maximum price for the construction of the stadium. More details on the project are included in the backup.

RS8. A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT TITLED “THE CLEBURNE STATION DEVELOPMENT AND INCENTIVE AGREEMENT” WITH CLEBURNE STATION INVESTMENTS, LP FOR A RETAIL/RESTAURANT/ ENTERTAINMENT DEVELOPMENT.

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

BRIEF: As part of the Cleburne Station Development project, the City of Cleburne desires to provide sales and property tax incentives to Cleburne Station Investments, LP to enable the developer to provide public infrastructure and business that will promote state and local economic development and will stimulate business and commercial activity within the City of Cleburne, as provided for in Chapter 380 of the Texas Local Government Code.

ORDINANCES

OR1. **PUBLIC HEARING AN ORDINANCE REZONING 0.06 ACRES LOCATED AT 2825 N NOLAN RIVER RD FROM C3 (COMMERCIAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT); AS REQUESTED BY ZIMMER PROPERTIES, REPRESENTED BY TIM MCQUEARY.**

Person presenting this item: Nora Fussner, Planning and Zoning Coordinator

BRIEF: The Planning and Zoning Commission considered this at their September 26, 2016 meeting. The purpose for this request is to accommodate a fuel tank pad site. The zoning for the surrounding property is C3 (Commercial District), SF-4 (Single-Family Dwelling District) and A (Agricultural District). The Comprehensive Land Use Plan shows this area and surrounding area to be Regional Node. This use does not comply with the Regional Node District. Notifications were sent out to a 200' radius and there were no inquiries nor objections. P&Z recommended that the request be approved with a 35'x35' pad site. The request was approved with a vote of 6-0.

OR2. AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF CLEBURNE; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY, AND ESTABLISHING A DATE FOR SUCH ACTIONS.

Person presenting this item: Debra Powledge, Director of Human Resources

BRIEF: As approved during the budget adoption, under this ordinance, the City would be altering its current plan with the Texas Municipal Retirement System to no longer allow transfer service credits from other cities and reduce the Updated Service Credit to 50%. By making these changes, the total contribution rate for the City for calendar year 2017 would be reduced to 16.42% from 18.81%. This change would also reduce the City's unfunded liability from \$20,921,782 to \$18,566,091. Section One of the ordinance contains the reduction of the Updated Service Credit to 50% and elimination of the Transfer Service Credit.

No changes are being proposed to the retirees existing 50% repeating COLA, as presented and approved during Fiscal Year 2017 budget workshop. However as required by TMRS, Section Two of the adopting ordinance has to restate that we will continue to provide for a 50% repeating COLA for retirees. Anthony Mills with the Texas Municipal Retirement System will be available at the meeting to discuss the proposed changes, which will go into effect January 1, 2017.

OR3. AN ORDINANCE AUTHORIZING PURCHASE-SALE AGREEMENT WITH CLEBURNE STATION INVESTMENTS, LP FOR APPROXIMATELY 58 ACRES OF CITY-OWNED PROPERTY FOR AN AMOUNT OF \$5,200,000 FOR A RETAIL/RESTAURANT/ ENTERTAINMENT DEVELOPMENT.

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

BRIEF: This is an approval of a Purchase and Sale Agreement with Cleburne Station Investments, LP for the development of the Cleburne Station project. This approval includes the sale of approximately 58 acres of land to Cleburne Station Investments, LP for \$5.2 million dollars.

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.

§ 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 in downtown Cleburne area
- 2) Discuss potential aviation industry
- 3) Discuss real property acquisition for drainage project

- B. § 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) Erika Bond v. City of Cleburne

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.