



## REGULAR CITY COUNCIL MEETING AGENDA

**OCTOBER 25, 2016**

**5:00 PM**

**CITY HALL COUNCIL CHAMBERS**

**10 NORTH ROBINSON STREET**

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### **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 Rev. Jim Cloud, North Cleburne Baptist Church**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

Presentation – Delinquent Tax Collection Report, presented by Bruce Medley with Perdue, Brandon, Fielder, Collins & Mott, LLP

### **V. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL**

### **VI. CITIZENS COMMENTS**

An opportunity for the public to make comments or address concerns not posted on the agenda.

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### **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 OCTOBER 25, 2016 COUNCIL MEETING.**

**RS1. A RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR THEIR ANNUAL CONTRIBUTION FOR CITY-COUNTY TRANSPORTATION SERVICES.**

Person presenting this item: Grady Easdon, Transportation Manager

**BRIEF:** City/County Transportation wishes to renew its annual interlocal agreement with Johnson County for their annual contribution to the program. The County requested in December of 2011 to enter into an interlocal agreement with the City of Cleburne each year, since the annual contribution is based on population, and is subject to fluctuate due to population changes. Each year, Johnson County contributes funds to the daily operation of City/County Transportation. These funds assist City/County Transportation with the local match portion that is required by our federal grant funds. Johnson County's annual contribution for fiscal year 2017 will be \$53,689.00. Upon approval by City Council, the signed agreement will be submitted to Johnson County Commissioners' Court for inclusion on their agenda for approval and execution at the next Commissioners' Court meeting immediately following their receipt of the signed agreement.

**RS2. A RESOLUTION AUTHORIZING FUTURE ANNUAL RENEWALS WITH ROUTEMATCH, INC FOR SOFTWARE UTILIZED BY CITY-COUNTY TRANSPORTATION.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** In 2009, the City Council authorized the acquisition of route scheduling, ticketing, and GPS software including a multi-year software support services agreement with RouteMatch Software, Inc. for an amount not to exceed \$350,000 to be used by the City-County Transportation department (Cletran) through the approval of Resolution RS07-2009-51. Included in this purchase per the attached RouteMatch Software License and Services Agreement was a prepaid component for five years of software and engineering support, and those years of support service have now expired and the \$350,000 authorized expenditure cap has been reached. As this software is currently in use and will continue to be in the near foreseeable future, authorization is sought to authorize future annual renewals with RouteMatch through the life of the software for a cost of \$27,315.75 for 2016-2017.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF SEPTEMBER 2016.**

Person presenting this item: Terry Leake, Director of Finance

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## RESOLUTIONS

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**RS3. A RESOLUTION AUTHORIZING CONTRACT WITH THE CLEBURNE CHAMBER OF COMMERCE FOR MANAGEMENT OF THE CLEBURNE CONFERENCE CENTER.**

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

**BRIEF:** This contract will authorize the Cleburne Chamber of Commerce to continue to manage and operate the Cleburne Conference Center/Performing Arts Center. This agreement includes the administration, reservations, and day-to-day operations of the facility. In this agreement, the City of Cleburne agrees to pay the Chamber of Commerce \$255,677, an increase of \$20,958 from FY 2016, for all operational expenses incurred at the Conference Center/Performing Arts Center for Fiscal Year 2017.

**RS4. A RESOLUTION CONCURRING WITH TXDOT'S INTENTION TO REMOVE PORTIONS OF RIGHT-OF-WAY (TRACTS BEING 1.381, 2.377 AND .188 ACRES, ALL PART OF THE ALEXANDER MCANIER SURVEY) FROM THE STATE SYSTEM AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS FOR SAID ACTION.**

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

**BRIEF:** City Staff, TXDOT staff, and New Era have been meeting regarding the property that is adjacent to the property New Era will develop. It was decided in that meeting that the property owned by TXDOT was no longer needed for TXDOT purposes and the TXDOT staff was willing to recommend that all TXDOT property south of Hwy 67 on Nolan River be given to the City of Cleburne. In exchange, the City will maintain that portion of Nolan River just south of Hwy 67 from this point forward. The TXDOT Commission will meet on November 17<sup>th</sup>, 2016 to consider giving this property to the City of Cleburne. The total property size is approximately 4 acres. The City of Cleburne has agreed to transfer approximately 2.38 of the 4 acres to New Era as part of our land sale agreement. This resolution expresses the City of Cleburne's support for TXDOT to give this land to the City.

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## ORDINANCES

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**OR1. AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 50: GARBAGE AND TRASH, SECTION 50.11: HAULING GARBAGE TO THE LANDFILL OR FEE SCHEDULE TO BE EFFECTIVE JANUARY 1, 2017.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** At the Fiscal Year 2017 budget workshop, staff presented a review of rates charged at the Transfer Station for the disposal of bulk items, trash, limbs, and tires hauled by individuals, business, contractors and commercial trash haulers. The proposed fee revisions will go into effect on January 1, 2017 and signs and other information will be presented to Transfer Station

customers to provide awareness of the new rates.

**OR2. AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 91: ANIMALS ALLOWING FOR THE KEEPING OF MINIATURE SWINE, RESTRICTING THE RIDING OF HORSES AND PROHIBITING PRIMATES AS PETS.**

Person presenting this item: Shane Wickson, Animal Services Manager

**BRIEF:** The proposed amendments for Chapter 91 Animals include: amending the section on swine to allow the keeping of miniature swine (“mini-pigs”); clarifying when swine may be temporarily kept for auctions, rodeos, and school projects; restricting horses from sidewalks, city parks, and other people’s property; and prohibiting the keeping of primates as pets.

**OR3. AN ORDINANCE RECOGNIZING THE OFFICE OF CITY MARSHAL AND THAT SAID OFFICE IS A DESIGNATED LAW ENFORCEMENT AGENCY WITH THE STATE OF TEXAS.**

Person presenting this item: Rob Severance, Chief of Police

**BRIEF:** With the upcoming retirement of Sheriff-elect Adam King from the city marshal’s office, staff recommends that the agency be preserved to allow the option of using it in the future for providing security and effecting warrant service of the municipal court. If the city marshal’s office is vacant the chief of police shall be the ex officio city marshal and a commissioned peace officer of both agencies.

**OR4. AN ORDINANCE AMENDING THE CLASSIFICATION AND NUMBER OF POSITIONS FOR ALL THE CITY OF CLEBURNE FIREFIGHTERS AND POLICE OFFICERS, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CHAPTER 143 CIVIL SERVICE.**

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

**BRIEF:** City Marshal/Task Force Commander Adam King will be retiring from the City of Cleburne on October 31, 2016 so that he may begin his duties of Johnson County Sheriff. Upon his retirement, the City has chosen not to replace the Task Force Commander however, it is their desire to assign another officer from our Police Department to the Task Force. The City Marshal/Task Force Commander was not a Civil Service position, therefore not allotted on the previous staffing ordinance. This update would increase the Police Officer staffing by one officer to allow the assignment of one officer to the Task Force and not reduce the manpower the Police Department currently has. This adjustment was previously included in the budget passed on September 27, 2016.

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**EXECUTIVE SESSION**

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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.**

**§ 551.074. 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. Deliberate the appointment, employment, evaluation, and duties of the Municipal Court Judge

**§ 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting:** This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

1. Discuss industrial development incentives

**ADJOURN:** The Presiding Officer adjourned the Executive Session of Tuesday, October 25, 2016 at p.m.

***THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.***

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

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## ADJOURNMENT

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**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.