



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 8th day of **NOVEMBER, 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:

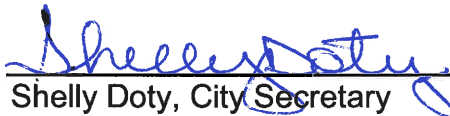
Refer to attached agenda

, 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 November 4, 2016, by 5:00 p.m.



City of Cleburne

By


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
NOVEMBER 8, 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 Todd Barham, Hope Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Proclamation – Military Veteran Days of Appreciation, November 5-13, 2016

Proclamation – Municipal Court Clerk Week, November 7-11, 2016

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.

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 AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY SPECIAL UTILITY DISTRICT FOR SEWER BILLING SERVICES.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Within the Cleburne city limits, there are currently 14 accounts that receive water service from Johnson County Special Utility District (JCSUD) and sewer service from the City of Cleburne (see attached map). These customers receive a bill for their water service from JCSUD and a bill for sewer service from the City. In the event that a customer has a delinquent account for combined water and sewer service, the City can shut off water service until the utility bill is paid. As there is only a shut-off valve for water service and not sewer service, a sewer service only customer could choose to not pay their sewer bill, and there is no remedy for the City to collect the delinquency. The City's only recourse is to file a lien on the property while sewer charges accrue each month and wait until the property is sold to receive payment for delinquent sewer charges. There is that possibility that future growth would place additional customers in the JCSUD water service area and City of Cleburne sewer service area.

Through discussions with JCSUD about this situation, there is the ability for the City to have an interlocal agreement (attached) with JCSUD, where JCSUD bills the City charges for sewer on the JCSUD water bill and remits the City's portion back to the City after customer payment on the account. In the event that a customer is delinquent, JCSUD has the ability to shut off water service on one of those 14 accounts until the bill is paid for both JCSUD water and City sewer. The agreement also contains the provision to bill for additional services such as the drainage utility fee and refuse service fees currently billed with the sewer charges. To eliminate the customers receiving a bill for the drainage utility fee and refuse charges from the City, all customer charges would be billed by JCSUD. If approved, the 14 customers would begin receiving their combined water and sewer bills from JCSUD on the billing that is mailed in December.

RS2. A RESOLUTION AUTHORIZING AN EASEMENT AND RIGHT OF WAY AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR THE PROVISION OF ELECTRIC SERVICE TO A PORTION OF CLEBURNE STATION AND THE DEPOT BASEBALL STADIUM.

Person presenting this item: Steve Polasek, Deputy City Manager

BRIEF: The City is currently developing portions of the Cleburne Station site to include certain roadways, parking areas and the construction of the new Cleburne Depot Baseball Stadium. As a part of this development process, the City, in conjunction with its engineers and Oncor Electric, have developed a utility plan to provide electrical service to the site. The provision of such electrical service requires the dedication of necessary easements and right of way by the City to Oncor in order for them to commence with the installation of such service. Other areas necessary for electrical service delivery are to be provided through typical utility easements along the planned roadways. The easements and right of way specific to this agreement are more directly tied to the placement of switchgear and access to the transformers. Final exhibit adjustments relating to the easement locations may be required based on actual as-builts.

RS3. A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2016.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended September 30, 2016, the City invested solely in four Local Government Investment

Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools which provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At September 30, 2016, there was \$85,039,424 invested in the four pools and earned \$118,003 in interest income (see attached quarterly investment report). The percentage allocation by investment pool is LOGIC: 37.7%, Texas Class: 15.8%, TexPool: 8.8%, and TexSTAR: 37.7%.

OR1. AN ORDINANCE APPROVING REAPPOINTMENT OF MICHAEL KURMES AS MUNICIPAL COURT JUDGE AND AUTHORIZING AGREEMENT FOR SAID PROFESSIONAL SERVICES.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On November 11, 2014, City Council appointed Michael Kurmes to fill the unexpired term of the current Municipal Court Judge, Stephen McClure, who was elected to serve as the judge in County Court at Law #2. Pursuant to the Cleburne City Charter, the municipal court judge's term is concurrent with the term of the mayor. The mayor's prior term expired in May of 2016. Michael Kurmes continued to serve as municipal court judge for more than 90 days beyond the end of that prior term and thus, was reappointed by operation of law under Section 29.005 of the Texas Government Code. That appointment is hereby ratified and affirmed by this proposed ordinance and agreement, and his current term of office will expire in May of 2018. The Agreement details the judicial and magistrate services to be provided by the Michael Kurmes at an annual compensation amount of \$50,000 for judicial and magistrate services for the City of Cleburne Municipal Court of Record. This appointment is made by ordinance as the court of record was created pursuant to Texas Government Code, Chapter 30, Subchapter A, and Section 30.00006(b) provides that Municipal Courts of Record must have their judges appointed by an ordinance of the City Council and the City of Cleburne Charter provides for the Council's appointment of a Municipal Court Judge.

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

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS4. A RESOLUTION APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH LINDY'S TREATS AND TREASURES, LLC LOCATED AT 206 E CHAMBERS ST, FOR A COMMERCIAL HISTORIC DISTRICT FACADE IMPROVEMENT MATCHING GRANT IN AN AMOUNT NOT TO EXCEED \$5,000.

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

BRIEF: This resolution approves a "380" agreement with Lindy's Treats and Treasures, LLC to participate in the Façade Improvement grant that the City funded in the 2016-17 budget. The grant application details what the applicant will use the funds to accomplish. The Council will make a decision on each grant application on a case-by-case basis. The Council should review the grant application to determine if the proposed improvements meet the goals of the Council in downtown re-vitalization. This applicant wanted to get her store going before the budget cycle was complete. The City Manager asked her to submit an application before construction began. Please see the City Manager memo for more details.

RS5. A RESOLUTION AUTHORIZING CONTRACT WITH SOLE-SOURCE VENDOR, ALFA LAVAL INC FOR REQUIRED REPAIRS TO THE WASTE WATER TREATMENT PLANT BELT PRESS FOR AN AMOUNT NOT TO EXCEED \$208,490.10.

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

BRIEF: The wastewater treatment plant uses a two-meter Ashbrook Belt Press to dewater and process bio solids from the treatment plant for final disposal. During the 2016 reporting year, an average of 386.43 tons of dewatered bio solids were processed per month. If a backup of bio solids occurs due to a belt press failure, this will cause multiple issues including permit violations, health risks to the community, and harmful effects to the environment. The belt press at the wastewater treatment plant is approaching 20 years of age and has never had any major maintenance performed on it other than routine preventative maintenance. Over the last few years, we have been experiencing more technical problems with the press due to the age of the unit.

Alfa Laval (Formerly AshBrook), the manufacturer of the plant's belt press, has submitted a price proposal to perform the rebuild of the belt press. They are the sole source company to provide the necessary equipment and servicing needs for the rebuild. This is a bid exclusion under Section 252.022(7A) of the Texas Local Government Code. The quote includes the necessary parts and labor for the belt press rebuild as well as a one-month rental of a trailer-mounted belt press to allow us to continue to process bio solids while the belt press is being rebuilt. The recommendation is to award the contract to Alfa Laval in the amount of \$208,490.10. This includes the belt press rebuild for \$184,562.00, the one-month rental of a trailer-mounted belt press for \$14,000 and a 5% contingency of \$9,928.10 on the belt press repair and trailer rental total of \$198,562.00 for a total repair cost up to \$208,490.10. The proposed repairs will extend the useful life of the belt press by an estimated 10 years. Funding for this repair project was included in the 2016-2017 budget.

ORDINANCES

OR2. AN ORDINANCE AUTHORIZING AN AMENDED TAX ABATEMENT AGREEMENT WITH JAMES HARDIE BUILDING PRODUCTS INC FOR A FACILITY EXPANSION PROJECT.

Person presenting this item: Steve Polasek, Deputy City Manager

BRIEF: James Hardie Building Products Incorporated (JHBP) initially proposed an expansion at their Cleburne facility to include an estimated new capital investment of \$11,955,000 in a new building and \$31,000,000 in new fixtures, process/production equipment and furniture for a total of \$42,955,000, with a planned completion date of December 31, 2015. The expansion would result in an increase to employment by 35 to 40 employees at the facility and approximately 60 workers during construction, adding between \$1,200,000 to \$1,500,000 annually to the existing payroll. JHBP requested and received on September 23, 2014, through Council approval of OR09-2014-83, a tax abatement in accordance with the current City of Cleburne Guidelines and Criteria for Tax Abatement Policy. Per the Tax Abatement Policy of the City, and as documented in a separate tax abatement agreement between the City of Cleburne, Texas and JHBP, JHBP initially qualified for a 60% abatement for seven (7) years based on their planned capital investment and anticipated impact on the local economy.

JHBP has since increased their initial capital investment from \$42,955,000 to approximately \$55,000,000 with a planned for completion date of December 31, 2016. As such, JHBP is requesting to amend their current agreement to reflect the addition of \$12,000,000 in capital investment through

an amended tax abatement agreement allowing JHBP to qualify for a 65% abatement for a period of eight (8) years in accordance with the current City of Cleburne Guidelines and Criteria for Tax Abatement Policy. Also, the expansion was originally scheduled for completion by the end of 2015; however, it has been confirmed through the Johnson County Appraisal District that no abatement was initiated due to lack of notification of completion. As a result, JHBP is also requesting to amend the effective date for completion from January 1, 2016 to January 1, 2017, essentially allowing for the tax abatement period to begin one-year later than initially scheduled.

OTHER COUNCIL MATTERS

OC2. APPOINTMENT TO THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

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

BRIEF: On September 27th, the City Council appointed Steven Shaffer and Kathy Ferrell to replace board members that had served two terms. Kathy Ferrell has since informed us that due to changes in her work schedule, she is unable to serve at this time. Staff is requesting that another appointment be made in place of Ms. Ferrell. Applications that have been submitted are included in the backup.

OC3. APPOINTMENTS TO THE PLANNING & ZONING COMMISSION.

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

BRIEF: Ms. Lisa Chandler's second term on the Planning and Zoning Commission expired October 23, 2016 and Mr. Chris Combest has moved outside of the city limits of Cleburne. Ms. Stephanie Philips and Mr. Thomas Kavadas III have submitted applications and staff recommends their appointment. Also, Ms. Joann Brinkley's first term expires November 11, 2016 and she has agreed 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 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

ADJOURNMENT AT:



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