



## NOTICE OF REGULAR MEETING AND WORKSHOP OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING AND WORKSHOP SESSION** of the above named City will be held on the 10<sup>th</sup> day of JANUARY, 2017, at 5:00 pm, 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

I, 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 January 6, 2017, by 5:00 p.m.



City of Cleburne

By

Shelly Doty  
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**  
**JANUARY 10, 2017**  
**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

**Division Directors:**

- ✓ Burton Barr, Community Services
- ✓ Clint Ishmael, Fire Services
- ✓ Terry Leake, Finance
- ✓ Debra Powledge, Human Resources
- ✓ Rob Severance, Police Services

**Administration:**

- ✓ Steve Polasek, City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Fritz Quast, City Attorney

**Department Heads:**

- ✓ Tom Davis, Information Technology

**Media:**

- ✓ Matt Smith, Times-Review

**II. INVOCATION** by Reverend Joe Ardy

**III. PLEDGE OF ALLEGIANCE**

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

- Presentation – November STARS Award – Doug Kahanek, Municipal Airport
- Presentation – Cleburne Police Department Awards
- Presentation - Law Enforcement Profession and Historical Injustices report (October 2016) from International Association of Chiefs of Police (IACP)

**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**

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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 DECEMBER 13, 2016 COUNCIL MEETING.**

**BQ1. AUTHORIZE PURCHASE OF AN EKG MONITOR/DEFIBRILLATOR FROM SOUTHEASTERN EMERGENCY EQUIPMENT (A BUYBOARD VENDOR) FOR AN AMOUNT OF \$29,855.30 FOR USE IN THE FIRE DEPARTMENT.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** Staff is requesting approval to purchase a Philips HeartStart MRx Monitor/Defibrillator from Southeastern Emergency Equipment for an amount of \$29,855.30. This unit is equipped with the latest features to provide uninterrupted patient monitoring and therapeutic tools such as NIBP, SpO2, Capnography End Tidal CO2, 12-lead ECG acquisition, Noninvasive Cardiac Pacing, and wireless communication to upload patient data to receiving hospital. The Fire Department currently has five (5) of these Philips EKG units which were factory refurbished earlier this year with the latest, most advanced, medical and technological capabilities. Southeastern Emergency Equipment is a BuyBoard vendor (contract # 479-15), so all competitive purchasing requirements have been met. This is a new piece of equipment for the new ambulance, which was approved at the December 13, 2016 Council Meeting.

**RS1. A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A COLLABORATION AGREEMENT AND MEMORANDUM OF UNDERSTANDING WITH OTHER ENTITIES KNOWN AS THE NORTH TEXAS FAIR HOUSING CONSORTIUM TO CONDUCT A REGIONAL ASSESSMENT OF FAIR HOUSING (AFH).**

Person presenting this item: Sallie Watson, Housing Manager

**BRIEF:** The Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (HUD) has established a new regulatory requirement for all entities receiving federal funds to affirmatively further fair housing and submit a fair housing assessment. It has been determined the most cost effective way of achieving this requirement is by working with local entities to prepare and submit a regional assessment of fair housing. The study will be conducted by the University of Texas at Arlington (UTA) and the projected completion and submission date is December 2017.

**RS2. A RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TARRANT COUNTY PUBLIC HEALTH PROVIDING TRANSPORTATION SERVICES.**

Person presenting this item: Grady Easdon, Transportation Manager

**BRIEF:** Tarrant County Public Health proposes to renew our annual contract with them to provide transportation services for their clients that reside in the City/County Transportation service area. City/County Transportation will charge Tarrant County Public Health \$40.00 per one-way trip leaving Johnson County (\$80.00 per round trip) and \$12.00 per one-way trip for all trips that remain within Johnson County (\$24.00 per round trip). The term of the contract will be February 1, 2017 thru January 31, 2018. All previous terms of the contract remain unchanged from the 2016 contract. Tarrant County has already approved all terms of the contract, and will be executed upon approval by Cleburne City Council. Revenue generated from this contract was \$160.00 in FY 2016. While not a significant revenue source, it contributes to the local match required by our grant providers.

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**BIDS & QUOTES**

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**BQ2. AUTHORIZE PURCHASE OF TWO 2017 CHEVROLET TAHOE'S FROM**

**WILDFIRE TRUCK & EQUIPMENT (A BUYBOARD VENDOR) FOR AN AMOUNT OF \$89,599.52 TO BE USED AS FIRE ADMINISTRATIVE COMMAND STAFF VEHICLES.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** Staff is requesting approval to purchase two 2017 Chevrolet Tahoe's that will replace unit #2502 (2002 Tahoe) and unit #2509 (2003 Tahoe). The vehicles that are being replaced will be sold at auction (Unit #2502 and Unit #2509). Based on the fire department's vehicle requirements, these vehicles meet all required specifications. Wildfire Truck & Equipment Sales is a BuyBoard vendor (Contract # 430-13), so all competitive purchasing requirements have been met. Additional cost to equip this vehicle with fire radios and additional equipment will not exceed \$18,000. This purchase was discussed with Council and included in the approved Fiscal Year 2017 Leased Equipment Improvement Fund (Fund 03) budget.

**BQ3. AUTHORIZE PURCHASE OF A 2016 FORD F-650 TRUCK FROM CHASTANG ENTERPRISES FOR \$50,331.00, AND OUTFITTED WITH A PIPEHUNTER JETTER MODULE BY TEXAS UNDERGROUND, INC. FOR \$94,937.46, MINUS TRADE-IN CREDIT OF \$15,000.00, FOR A TOTAL COST OF \$145,268.46 TO BE USED IN THE WASTEWATER COLLECTIONS DEPARTMENT.**

Person presenting this item: Keith Fisher, Director of Public Works

**BRIEF:** This unit will replace the Wastewater Collections Department's unit number 7403, a 2007 GMC with 123,347 miles that serves as the primary sewer jetter for the City. A sewer jetter is used to clear clogged sewer lines, perform routine maintenance, and inspect infrastructure throughout the city, it is a vital part of maintaining the wastewater collection system of our community. The proposed purchase includes all necessary accessories/tooling for safe and efficient operation of the unit. Purchase will be made through BuyBoard Contract #521-16, so all competitive purchasing requirements have been met. Approval is also sought to trade-in Unit 7403 for a trade-in value of \$15,000. This purchase was discussed with Council and included in the approved Fiscal Year 2017 Water /Wastewater (Fund 60) budget.

**BQ4. AUTHORIZE PURCHASE OF A 2017 CRANE CARRIER CHASSIS FROM BOND EQUIPMENT COMPANY, INC FOR \$175,059.00, AND OUTFITTED WITH A 24 CUBIC YARD MULTI-PACK REFUSE BODY BY HEIL OF TEXAS FOR \$165,157.00 FOR A TOTAL COST OF \$340,216.00 TO BE USED IN THE REFUSE COLLECTION DEPARTMENT.**

Person presenting this item: Keith Fisher, Director of Public Works

**BRIEF:** This unit will replace unit #8188, a 2008 Mack with a rear load refuse body, which will be sold at auction. The new unit will be used in the Sanitation department for refuse collection throughout the City. It is a higher capacity model than our current automated refuse trucks and offers greater versatility with the option to utilize either side or rear loading. There are two components of this truck: the cab/chassis and the rapid rail body, sold by Bond Equipment Company, Inc. and Heil of Texas, respectively. The cost for the cab/chassis is the \$168,583.00 as quoted by Bond Equipment Company, Inc. with an additional BuyBoard fee of \$400.00 and a rear tire/wheel upgrade for \$6,076.00, bringing the total cab/chassis cost to \$175,059.00. The refuse body will be as quoted by Heil of Texas for \$165,157.00. Both vendors were awarded BuyBoard contracts for the portions of this vehicle; so all competitive purchasing requirements have been met. This purchase was discussed

with Council and included in the approved Fiscal Year 2017 Leased Equipment Improvement Fund (Fund 03) budget.

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## RESOLUTIONS

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**RS3. A RESOLUTION AUTHORIZING AN AGREEMENT WITH CHILDRESS ENGINEERS FOR ENGINEERING SERVICES FOR SIDEWALK AND DRAINAGE IMPROVEMENTS ON YELLOW JACKET DRIVE BETWEEN HARLIN DRIVE AND NORTH NOLAN RIVER ROAD FOR AN AMOUNT NOT TO EXCEED \$87,000.00.**

Person presenting this item: Keith Fisher, Director of Public Works

**BRIEF:** This agreement will provide engineering services for construction of sidewalk with drainage improvements along the west side of Yellow Jacket Drive between Harlin Drive and North Nolan River Road. Basic engineering services are \$17,000.00 and special engineering services that include surveying and right of way acquisition for \$70,000.00, for a total contract not to exceed \$87,000.00. While this project was not specifically funded during the Fiscal Year 2017 budget process, there is uncommitted funding available in General Capital Projects Fund (Fund 53) to cover the cost of the proposed engineering services agreement.

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## ORDINANCES

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**OR1. AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND NUMBER OF POSITIONS FOR THE CITY CLEBURNE FIREFIGHTERS AND POLICE OFFICERS.**

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

**BRIEF:** Due the testing process and timelines established by the Texas Local Government Code Chapter 143, it may be necessary from time to time to over hire an entry level position until a promotional vacancy is filled. This would allow the training cycle of the new entry level firefighter or police officer to continue.

**OR2. AN ORDINANCE VACATING AND ABANDONING CERTAIN DESCRIBED STREET RIGHT-OF-WAY PREVIOUSLY ACQUIRED BY THE CITY BY PRESCRIPTION (KNOWN AS JACKSON ROAD); DECLARING THAT SUCH RIGHT-OF-WAY IS UNNECESSARY FOR USE BY THE PUBLIC.**

Person presenting this item: Steve Polasek, City Manager

**BRIEF:** The City of Cleburne has in place a land sale agreement for Cleburne Station as approved by City Council on October 11, 2016, and executed on October 26, 2016. A portion of the property included in the sale is a section of prescribed street right-of-way commonly referred to as Jackson Road. As part of the Cleburne Station development, new roads are currently under construction (Cleburne Station Parkway and Brazzle Boulevard) and will provide public ingress and egress to the site. As a result, the gravel lined Jackson Road will no longer be utilized. Abandoning the street right-of-way allows for future development to occur in its place. A portion of the street right-of-way currently abuts TxDOT right-of-way which is in the process of being conveyed to the City. Procedurally, the abandonment of Jackson Road shall occur following the conveyance of the TxDOT property and is worded as such in the proposed ordinance. This is a housekeeping item related to the final closing actions for the property to be acquired by Cleburne Station Investments, LP. The



Council approved the land purchase agreement with Cleburne Station Investments on October 11, 2016. Part of the land sale agreement included the portion of property commonly referred to as Jackson Road.

**OR3. AN ORDINANCE DIRECTING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO CONVEY LAND ACQUIRED FROM THE STATE OF TEXAS, LOCATED IN THE ALEXANDER MCANIER SURVEY ABSTRACT NO 537, JOHNSON COUNTY BEING A 1.381-ACRE TRACT, A 2.377-ACRE TRACT AND A 0.188-ACRE TRACT, TO CLEBURNE STATION INVESTMENTS, LP.**

Person presenting this item: Steve Polasek, City Manager

**BRIEF:** The City of Cleburne has, or will be, acquiring approximately four (4) acres of property along Nolan River Road and the old Jackson Road in the Cleburne Station development from the State of Texas. The City of Cleburne has agreed to transfer approximately 2.38 acres of the 4 acres to Cleburne Station Investments, LP as part of our land sale agreement for Cleburne Station as approved by City Council on October 11, 2016, and executed on October 26, 2016. This ordinance gives the City Manager the authority to convey approximately 2.38 acres to Cleburne Station Investments per the executed Purchase and Sales Agreement with Cleburne Station Investments, LP.

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**OTHER COUNCIL MATTERS**

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**OC1. CONFIRM APPOINTMENT OF ROBERT SIGLER TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 341.012 AND CLEBURNE CITY ORDINANCE 33.03.**

Person presenting this item: Rob Severance, Chief of Police

**BRIEF:** Chief Severance and Deputy Chief Hubler request council confirm the appointment of retired Cleburne PD Corporal Robert Sigler to the Cleburne Police Reserve Force, thereby permitting him to carry a weapon and act as a peace officer at all times, in accordance with Texas Local Government Code 341.012 and Cleburne City Ordinance 33.03.

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**WORKSHOP**

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**I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS**

- A. Discuss amending the Code of Ordinances, Chapter 91: Animals, by clarifying when swine may be kept; allowing the keeping of miniature swine; restricting the riding of horses; prohibiting primates as pets – Mindy Henry

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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.**

**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.

- 1) Discuss William Edward Ward v. the City of Cleburne
- 2) Discuss potential trademark infringement issues

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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