



REGULAR CITY COUNCIL MEETING AGENDA

JANUARY 24, 2017

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

Division Directors:

- ✓ Burton Barr, Community Services
- ✓ Keith Fisher, Public Works
- ✓ 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
- ✓ Grady Easdon, Economic Development
- ✓ Roy Jambor, Development Services

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Pastor Andy Tyler, St. Mark's Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

Presentation of STARS Awards:

- November 2016 – Doug Kahanek, Airport Department
- December 2016 – Shannon Allen, Police Department
- 2016 All Star Award – Barry Townsend, Cemetery Department

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 JANUARY 10, 2017 COUNCIL MEETING.

RS1. A RESOLUTION ADOPTING THE 2017 PREVAILING WAGE RATES FOR PUBLIC WORKS CONSTRUCTION FOR THE CITY OF CLEBURNE.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 2258 of the Texas Government Code states that a worker employed on a public work by a municipality shall be paid not less than the current prevailing rate of wages for work of a similar character in the locality in which the work is performed. The Department of Labor in accordance with the Davis-Bacon Act performs regular surveys to determine the current prevailing wage rates. Updated survey results for Johnson County, Texas were issued by the Department of Labor for 2017.

RS2. A RESOLUTION AUTHORIZING AGREEMENT WITH CANTWELL POWER SOLUTIONS FOR ANNUAL MAINTENANCE SERVICES FOR 14 GENERATORS THROUGHOUT THE CITY FOR AN AMOUNT NOT TO EXCEED \$25,000.

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

BRIEF: Competitive quotes were solicited for a company to maintain 14 generators throughout the city and two responses were received. The lowest, most reasonable quote was received from Cantwell Power Solutions in the amount of \$25,000. The contract term is for an initial twelve (12) month period with three (3) additional 12-month options to extend.

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

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING AGREEMENT WITH ARBOR MASTERS TREE SERVICE THROUGH AN INTERLOCAL PURCHASING AGREEMENT WITH THE CITY OF GRAPEVINE TO TRIM TREES IN CITY ROADWAYS FOR AN AMOUNT NOT TO EXCEED \$45,000.

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

BRIEF: This is an agreement between the City of Cleburne and Arbor Masters Tree Service to trim low hanging tree limbs within city roadways. Trees will be trimmed to a height of 14' within the roadway with care being taken to preserve the health of the tree. The 14' requirement allows for safe passage of emergency response vehicles, service vehicles such as refuse collection trucks, and school buses. Project will be funded through cost savings achieved within the approved FY 2016-17 General Fund budget. If approved the project will start on January 30th and last approximately 4-6 weeks.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE CREATING NEW REINVESTMENT ZONE NO. 2017-01 IN THE CITY OF CLEBURNE IN CONJUNCTION WITH THE PROPOSED EXPANSION OF JOHNS MANVILLE, INC, A BERKSHIRE HATHAWAY COMPANY, LOCATED AT 200 W INDUSTRIAL BLVD.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Johns Manville Company has submitted an application for a tax abatement on their planned facility expansion at 200 West Industrial Blvd., in Cleburne, Texas. In order for the city to consider such abatement request, a Reinvestment Zone or Enterprise Zone must exist or a zone must be created. Currently no Reinvestment or Enterprise Zone exists at this location, therefore creating the need for the city to establish this new Reinvestment Zone. A Notice of Public Hearing was published and posted, as well a notification letter sent to the other local taxing entities. The State Tax Code allows cities and counties to establish these Reinvestment Zones using these procedures. The City must also have an approved policy and criteria allowing tax abatements. Cleburne's tax abatement Guidelines and Criteria was approved by the City Council by Resolution RS07-2015-57 on July 14, 2015. Competing cities have reinvestment zones and tax abatement policies which means in order for Cleburne to compete and attract new investments and jobs it must have similar policies and tools to offer. Abatement requests are typically accompanied by significant capital investment and the addition of new jobs with associated payrolls.

OR2. AN ORDINANCE GRANTING TAX ABATEMENT TO JOHNS MANVILLE, INC LOCATED AT 200 W INDUSTRIAL BLVD IN ACCORDANCE WITH THE CITY'S GUIDELINES APPROVED BY RS07-2015-57 ON JULY 14, 2015.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Johns Manville Company submitted an application for a tax abatement on their proposed Cleburne manufacturing facility expansion on January 3, 2017. The project is estimated to require approximately \$82,600,000 in new capital investment and create 39 new, permanent jobs while increasing the annual payroll by \$3,311,000. Additional jobs will also be created during the 12 to 18 months' construction period. An economic impact analysis has been prepared for the project and the effect of the expansion is projected to be beneficial to Cleburne citizens, the city tax base, as well as other local taxing entities. According to the current approved 2015 Guidelines and Criteria, this project would qualify for a 75% abatement for (10) ten years. A performance agreement will be required, subject to the Council approving this tax abatement request.

Johns Manville originally located in Cleburne with its fiberglass and insulating products manufacturing lines in 1964 and has expanded several times during this 53-year period. It has consistently employed between 350 and 400 employees offering a better than average benefit package. The company considered other Johns Manville plant locations in its system before deciding that Cleburne would be a great fit for its new products (blowing wool or loose fill insulation) and added capacity. Johns Manville has submitted the data necessary for preparation of an economic impact analysis which shows the positive economic benefits to the City of

Cleburne and others taxing entities and businesses. It appears that this request or application for tax abatement meets all the guidelines and criteria and would result in an economic benefit to the community.

Approximately 39 permanent new jobs, excluding the numerous jobs created during the construction period, will be created with an estimated added annual payroll of \$3,311,000, along with new capital investment of approximately \$82,600,000. A breakdown of the proposed new investment will be outlined in the performance agreement as one of the Exhibits. These estimates include engineering, design, labor, process equipment, fixtures and contracted services.

Such abatement requests require that cities often have to abate some of the initial tax revenue in order to attract these new projects that add to the property tax base and increased general tax revenues, while it will add some demand on city utilities and services. City staff has reviewed the impact to our water and waste water capacities and deemed that the impact of this new expansion will not adversely affect our current and near term service delivery.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 0.15 ACRES LOCATED AT 402 OLIVE ST FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), AS REQUESTED BY JULIO CESAR RUIZ, REPRESENTED BY CRUZ TEJEDA.

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

BRIEF: The Planning and Zoning Commission considered this at its January 9, 2017 meeting. The purpose for this request is for the future construction of a single family residence. The zoning for the surrounding property is C1 (Local Business District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be City Center East District and the proposed use is an appropriate use in this district. Notifications were sent out to a 200' radius and there were inquiries but no objections. P&Z recommended that the request be approved with a vote of 5-0.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 7.573 ACRES LOCATED AT 1315 E KILPATRICK ST FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO M2/SUP (HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR MINI-WAREHOUSES IN THE COMMERCIAL OVERLAY DISTRICT), AS REQUESTED BY TYLER SITZES.

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

BRIEF: The Planning and Zoning Commission considered this at its January 9, 2017 meeting. The purpose for this request is to accommodate mini-warehouses. This use is allowed in the M2 district but this property falls within the Commercial/Industrial Overlay District which requires an SUP. The zoning for the surrounding property is M2 (Heavy Industrial District) and IH (Interim Holding District). The Comprehensive Land Use Plan shows this area to be Industrial TDA and surrounding area to be Industrial TDA and Regional Corridor. 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 vote of 5-0.

OR5. AN ORDINANCE APPROVING A SPECIAL EVENT PERMIT FOR

TEMPORARY USE OF HULEN PARK LOCATED AT 900 S HILLSBORO ST FOR A CARNIVAL DURING SPRINGFEST, MARCH 14-19, 2017, AS REQUESTED BY DOWNTOWN CLEBURNE ASSOCIATION, REPRESENTED BY MAXINE AMMONS.

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

BRIEF: The Planning and Zoning Commission considered this at its January 9, 2017 meeting. Downtown Cleburne Association is asking for permission to use the Hulen Park located at 900 S. Hillsboro for a Carnival during Spring Fest. The zoning for the surrounding property is SF-4 (Single-Family Dwelling District), MF (Multiple-Family Housing District), M1 (Light Industrial District), C1 (Local Business District) and C2 (General Business District). The Comprehensive Land Use Plan shows this area and surrounding area to be Preservation and Downtown TDA. Notifications were sent out to a 200' radius and there were no inquiries nor objections.

This item was presented to the Parks and Recreation Advisory Board on November 7th, 2016. The Board approved the event, but did have several restrictions for the event.

- Carnival rides must stay on concrete areas, no exceptions.
- Any damage to concrete areas must be repaired within 30 days after event has concluded.
- All activities must be concluded by 10:00pm each night for the duration of the event due to noise ordinance.
- The carnival must end on the day stated in the special event application, no exceptions.

This item was originally submitted to the P&Z as a rezoning request and they recommended approval (5-0 vote) with restrictions as recommended by the Parks and Recreation Advisory Board. It has since been determined that the authorization for use of Hulen Park can be approved with a special event permit as per the Code of Ordinances, Section 155.58. Approval for special events may be obtained from the City Council after a recommendation from the Planning and Zoning Commission.

OR6. AN ORDINANCE AMENDING CHAPTER 91: ANIMALS, CLARIFYING PROVISIONS FOR SWINE, HORSES AND PRIMATES.

Person presenting this item: Mindy Henry, Animal Services Manager

BRIEF: Present for approval an ordinance including additions and amendments to Chapter 91: Animals, of the Cleburne City Code. The proposed amendments 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.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE FINAL PLAT OF LOT 1, BLOCK 1, MAGGARD'S ADDITION (BEING 0.933 ACRES LOCATED AT 2300 S NOLAN RIVER RD), AS REQUESTED BY WAYNE MAGGARD.

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

BRIEF: The Planning and Zoning Commission considered this at its January 9, 2017 meeting. The purpose for this final plat is to create one residential lot. The zoning for this property is SF-4

(Single-Family Dwelling District) and the zoning for the surrounding property is SF-4 (Single-Family Dwelling District and IH (Interim Holding District). The Comprehensive Land Use Plan shows this area and surrounding area to be Sustainable Community. Notifications were sent out to a 200' radius and there were no inquiries nor objections. P&Z recommended approval of this plat by a vote of 5-0.

OC3. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, BLACK ADDITION (BEING 1.01 ACRES PART OF J. BAYLESS SURVEY, A-75 AND MCKINNEY WILLIAMS SURVEY, A-633, LOCATED IN THE CITY'S ETJ), AS REQUESTED BY BRANDON AND JENNIFER BLACK.

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

BRIEF: The Planning and Zoning Commission considered this at its January 9, 2017 meeting. The purpose for this final plat is to create one lot in the extra territorial jurisdiction for residential purposes. The Comprehensive Land Use Plan shows this area and surrounding area to be Future Traditional Neighborhoods. P&Z recommended approval of this plat by a vote of 5-0.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss the refunding of \$12,845,000 outstanding callable 2007 4B EDC Sales Tax Revenue Bonds, pending favorable market conditions – Terry Leake

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.

- Discuss environmental service permits from Reitz Environmental Services and Harrington Environmental Services with Texas Commission on Environmental Quality and possible measures to protect the Lake Pat Cleburne watershed

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.