



REGULAR CITY COUNCIL MEETING AGENDA

FEBRUARY 28, 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 Reverend Ron Schultz, Bethel Temple

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Women's History Month and Yellow Rose Day Proclamation
- ☆ STARS Award Recipient Wendell Lewis, Sanitation Department – Debra Powledge
- ☆ Update on Nolan River Water and Street Reconstruction Project – Keith Fisher
- ☆ Annual report of 2016 Racial Profiling Data – Rob Severance

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 FEBRUARY 14, 2017 COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AMENDMENT TO LEASE-PURCHASE CONTRACT WITH JOHN DEERE CREDIT (UTILIZING BUYBOARD CONTRACT #447-14) TO LEASE-PURCHASE A TRACTOR/LOADER FOR THE MUNICIPAL GOLF COURSE FOR AN AMOUNT OF \$30,994.53.

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

BRIEF: On October 11, 2016, a contract was approved (Council Resolution #RS10-2016-76) through John Deere Credit to provide funding for a tractor / loader to help maintain the golf course grounds. After Council approval of the contract and the initial lease payment of \$10,776.17 was made, it was discovered by the vendor that there was a \$10.66 price decrease in the price of one of the loader attachments bringing the new cost of the equipment to \$26,133.40 (tractor) and \$4,861.13 (loader) totaling \$30,994.53. As this is a lease agreement, the revised contract needs to be approved. The subsequent two remaining lease purchase payments will be \$10,772.52.

RS2. A RESOLUTION AUTHORIZING AMENDMENT TO A THREE YEAR OPERATING LEASE CONTRACT WITH JOHN DEERE CREDIT (UTILIZING BUYBOARD CONTRACT #447-14) TO PROVIDE MAINTENANCE EQUIPMENT FOR THE MUNICIPAL GOLF COURSE FOR AN AMOUNT OF \$293,631.53 WITH ANNUAL PAYMENTS OF \$79,789.80.

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

BRIEF: On October 11, 2016, a contract with payments totaling \$246,855.90 was approved (Council Resolution #RS10-2016-78) through John Deere Credit to 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, a tractor / loader to help maintain the golf course grounds. After Council approval of the contract and the initial lease payment of \$82,285.29 was made, it was discovered by the vendor that a multi-unit discount had been applied to only three of the reel-type mowers. After further review by the vendor, it was determined that there were additional discounts to the remaining three reel-type mowers, which resulted in a lower total price. This resulted in a price decrease of \$6,209.45 from the approved base operating lease price of \$299,841.00. As this is an operating lease agreement, the revised contract needs to be approved. The subsequent two remaining lease purchase payments will be \$79,789.80, which results in the two remaining payments totaling \$4,990.98 lower than the original three years of \$82,285.29 contract payments.

RS3. A RESOLUTION AUTHORIZING CONTRACT WITH WESTHILL CONSTRUCTION INC FOR UTILITY CUT REPAIRS - 2017 FOR AN AMOUNT NOT

TO EXCEED \$45,000.

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

BRIEF: This is a contract between the City of Cleburne and Westhill Construction Inc. to repair pavement damaged by utility crews during the course of infrastructure repairs. Westhill Construction will be required to provide proper traffic control in accordance with TXMUTCD standards and complete the repairs in a timely manner. This project will be funded from the M&R Streets, Curbs, & Alleys accounts of Water Distribution and Wastewater Collections. Competitive quotes from four companies were solicited for this project and one quote was received. The quote received was determined to be a viable, responsible quote.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF JANUARY 2017.

Person presenting this item: Terry Leake, Director of Finance

BIDS & QUOTES

BQ1. AUTHORIZE PURCHASE OF A 2016 CATERPILLAR 926M FRONT END LOADER FROM HOLT CATERPILLAR (UTILIZING BUYBOARD CONTRACT #515-16) FOR AN AMOUNT NOT TO EXCEED \$144,950.

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

BRIEF: This unit will be used in the street department for necessary road repairs and replaces a 1996 Case front end loader, which will be auctioned once the replacement unit is delivered. Its primary purpose is the loading and transport of bulk materials such as road base, sand, soil, and asphalt. This unit also serves as the backup for the sanitation department's loader. Holt Caterpillar was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the Fiscal Year 2017 General Fund budget.

BQ2. AUTHORIZE PURCHASE AND INSTALLATION OF TWO PRE-FABRICATED CONCRETE RESTROOM BUILDINGS TO BE LOCATED IN HULEN AND CARVER PARKS FROM CXT, INC, AN L.B. FOSTER COMPANY (UTILIZING TXMAS CONTRACT #TXMAS-5-560100) FOR AN AMOUNT NOT TO EXCEED \$270,625.29.

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

BRIEF: This item will allow for the purchase of two pre-fabricated concrete restroom buildings to replace the current restroom facilities at Hulen and Carver Parks. The current restrooms are outdated, and after years of vandalism, are not aesthetically pleasing. This purchase was budgeted in the 2016-2017 FY. The restrooms will be purchased by utilizing TXMAS Contract #TXMAS-5-560100, so all competitive purchasing requirements have been met.

RESOLUTIONS

RS4. A RESOLUTION ACCEPTING REIMBURSABLE GRANT FUNDS FOR AN AMOUNT UP TO \$500,000 FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR A DEEP WATER BOATING FACILITY ON LAKE PAT CLEBURNE.

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

BRIEF: This item accepts grant award from the Texas Parks and Wildlife Department (TPWD) for a deep water boating access. Council approved Ordinance #OR05-2014-43 in May 2014 providing \$200,000 in funds for this capital improvement. Additionally, Council approved Resolution #RS10-2014-62 in October 2014 which authorized the submission of grant application to TPWD for a boating access grant that would potentially provide \$500,000 towards a new deep water ramp and fishing facilities at Lake Pat Cleburne. In January 2016, the City Manager received notice that TPWD had awarded a Boating Access Grant to the City of Cleburne for this project. The City's Park Master Plan identifies improvements at Lake Pat Cleburne as the #1 priority. Additionally, the Lake Master Plan identifies fishing piers, improved boat ramps, restroom facilities, and lighted parking all as high priority needs at the lake.

RS5. A RESOLUTION AUTHORIZING AGREEMENT WITH CHILDRESS ENGINEERS FOR SERVICES RELATING TO THE CONSTRUCTION OF A DEEP WATER BOATING ACCESS AND FISHING FACILITY ON LAKE PAT CLEBURNE AT LAKESHORE DRIVE FOR AN AMOUNT NOT TO EXCEED \$101,000.

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

BRIEF: This agreement will provide engineering services for construction of a deep water boating access facility on Lakeshore Drive. Basic engineering services are \$65,000.00 and special engineering services that may include surveying, geotechnical investigation, electrical engineering, project coordination, and permitting for \$36,000.00, for a total contract not to exceed \$101,000.00. This project is being funded by utilizing a Texas Parks and Wildlife Boating Access Grant in the amount of \$500,000, and additional funding from the General Capital Projects Fund (Fund 53). In May 2014, the City Council appropriated \$200,000 in funds by Ordinance #OR05-2014-43 for this capital improvement.

RS6. A RESOLUTION EXERCISING OPTION TO TERMINATE PERFORMANCE ASSURANCES SERVICES PROGRAM CONTRACT WITH SIEMENS INDUSTRY, INC. THROUGH ADOPTION OF AMENDMENT NO. 1 TO PERFORMANCE CONTRACTING AGREEMENT.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On June 9, 2009, City Council approved Resolution RS06-2009-42 authorizing the City Manager to negotiate and execute and agreement with Siemens Building Technologies, Inc. for a city-wide energy efficiency project in the amount of \$9,561,515. The project included a system-wide water meter replacement program and various other equipment replacements including lighting retrofits, HVAC retrofits, and aeration system upgrades at the wastewater treatment plant. Included in the contract was a Performance Assurances Services Program (PASP) that measured the water meter measuring efficiency by testing eleven residential meters for metering accuracy on an annual basis. The water meters and fixed base meter reading system that were installed as a part of the Siemens contract were subcontracted by Siemens to Master Meter, and they installed Master Meter 3G water meters throughout the City. Since the installation of the water meters in 2009 and 2010, it has been necessary for Master Meter to replace the residential water meter registers. Master Meter converted in 2014 to a new type of water meter registers (4G) that is compatible to their fixed base meter reading system and replaced the existing 3G meter with 4G meter registers. Due to this conversion to 4G meters, the original 3G meters are unable to be tested for accuracy and Siemens has requested termination of the PASP. The additional annual cost of the PASP ranged from \$34,940 in year one to \$63,707 in year 13, with the current year (year six) being \$51,800. The termination provisions include a credit back to the City of

\$38,850 for a portion of the year six cost (exhibit - Amendment No. 1 to Performance Contracting Agreement).

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 13.15 ACRES LOCATED AT 300 EAST VAUGHN ROAD, FROM IH (INTERIM HOLDING DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY JON & KIM THETFORD.

Person presenting this item: Roy Jambor, Planning and Development Manager

BRIEF: This is a request to rezone 300 E. Vaughn Rd. from IH to SF-4 to accommodate a single-family detached residence and associated rights. Most of the adjacent property is also in the IH district, presumably a temporary designation that has remained longer than anticipated. However, one nearby lot and most of the opposite side of East Vaughn is within the SF-4 district. There are some nearby commercial and industrial districts to the west on both sides of the street. The Comprehensive Land Use Plan shows this area to be designated as a “sustainable community” and as such suggests that this is an appropriate request and land use. Notifications were sent out to a 200' radius and there were inquiries but no objections.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 0.2089 ACRES LOCATED AT 1019 GRANBURY STREET FROM C1 (LOCAL BUSINESS DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT); AS REQUESTED BY MARIA AIDA BENTON.

Person presenting this item: Roy Jambor, Planning and Development Manager

BRIEF: This is a request to rezone 1019 Granbury Street from C1 to C2 to accommodate what is described in the application as a snack shop. However, the proposed zoning district allows all forms of restaurants and food or beverage sales by right. Most of the adjacent commercial property is in the C3 district. There is some adjacent C1 property to the rear that appears to be accessed from Poindexter Avenue. It currently operates as a car wash, typically at least a C2 use but allowed in the C1 district with an SUP. The remaining adjacent or nearby property is within the SF-4 district, with a small amount in the C2 and C1 districts. The Comprehensive Land Use Plan shows this area to be within “City Center North.” While the guidelines within the plan suggests that commercial and retail uses are to be specially permitted, the property already enjoys the commercial and retail rights of the C-1 district. Notifications were sent out to a 200' radius and there were inquiries but no objections.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 0.459 ACRES LOCATED AT 2237 SOUTH MAIN STREET FROM IH (INTERIM HOLDING DISTRICT) TO SF4/SUP (SINGLE-FAMILY DWELLING DISTRICT WITH A SPECIFIC USE PERMIT FOR A BEAUTY SHOP); AS REQUESTED BY NATHAN & EMYLEIGH COX.

Person presenting this item: Roy Jambor, Planning and Development Manager

BRIEF: This is a request to rezone 2237 South Main Street from IH to SF-4 with a “Specific Use Permit” (SUP) to accommodate an existing non-conforming residence whose owner wishes to open a “one stylist” beauty salon as a home based business that does not comply with the requirements of Section 155.7 (the Home Occupation Regulations). The staff recommends the consideration of two conditions for approval of the SUP: 1) that the beauty salon be separated from the residence by no less than two-hour fire-rated construction; and 2) that the use of any illuminated or electronic signs be

prohibited. The adjacent property is also in the IH district, presumably a temporary designation that has never been updated as perhaps contemplated. One nearby lot, likely with a similar history, has been zoned SF-4. The property across South Main is in the Agricultural district. The Comprehensive Land Use Plan shows this area to be within the "Approach Corridor" which does not seem to contemplate the continuation of existing non-conforming residential uses. Absent the SUP request, there would be a conflict between the general guidelines of the future land use plan and the pattern of existing uses. Notifications were sent out to a 200' radius and there were inquiries but no objections.

OTHER COUNCIL MATTERS

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, PRUITT'S ADDITION, BEING 3.089 ACRES LOCATED IN THE BBB & CRR COMPANY SURVEY, ABSTRACT 90, A PART OF THE CITY'S ETJ; AS REQUESTED BY JACKIE AND STACI PRUITT.

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

BRIEF: 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 Traditional Neighborhood District.

OC3. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, SCOTTLAND FARMS ADDITION, BEING 3.584 ACRES LOCATED IN PHILLIP GOLDEN SURVEY, ABSTRACT 178, A PART OF THE CITY'S ETJ; AS REQUESTED BY JAMES & RHONDA SCOTT AND BILLY JOE & KATHY SCOTT.

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

BRIEF: 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 to be Sustainable Community District and surrounding area to be Sustainable Community and Future Traditional Neighborhoods District.

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

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.