



REGULAR CITY COUNCIL MEETING AGENDA

MARCH 14, 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

Administration:

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

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

Department Heads:

- ✓ Tom Davis, Information Technology
- ✓ Grady Easdon, Economic Development
- ✓ Roy Jambor, Development Services

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Pastor Tom McNutt, First Church of the Nazarene

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

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.

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.**

The City Council went into Executive Session at p.m.

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

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.

- Pending or threatened EEOC complaints and other employment law claims, and corresponding settlement negotiations concerning current or former employees.

ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, MARCH 14, 2017 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.

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.

APPROVE MINUTES FOR THE FEBRUARY 18, 2017 STRATEGIC PLANNING WORKSHOP AND FEBRUARY 28, 2017 REGULAR COUNCIL MEETING.

RS1.

RS03-2017-

A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF \$3,000 IN GRANT FUNDS FROM HOMELAND SECURITY GRANT DIVISION FOR BALLISTIC BLANKETS TO BE USED IN THE POLICE DEPARTMENT.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Consider State Homeland Security Program grant application to the Office of the Governor – State Homeland Security Grants Division for \$3,000 to provide for ballistic blankets for Cleburne Police Department. No City funding match is required. If the grant application is approved, funding

and expenditure in the amount of \$3,000 will be included in the FY 2018 Grant Fund (Fund 39).

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#)

RS2. RS03-2017-

A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF \$31,950 IN GRANT FUNDS FROM HOMELAND SECURITY GRANT DIVISION FOR NIGHT VISION GOGGLES TO BE USED IN THE POLICE DEPARTMENT.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Consider State Homeland Security Program grant application to the Office of the Governor – State Homeland Security Grants Division for \$31,950.00 to provide for night-vision goggle equipment for Cleburne Police Department. No City funding match is required. If the grant application is approved, funding and expenditure in the amount of \$31,950.00 will be included in the FY 2018 Grant Fund (Fund 39).

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#)

RS3. RS03-2017-

A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF \$28,550 IN GRANT FUNDS FROM CRIMINAL JUSTICE DIVISION FOR A CRIME DATA TECHNICIAN IN THE POLICE DEPARTMENT.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Consider Justice Assistance Grant application to the Office of the Governor - Criminal Justice Division Justice for \$28,550 to provide for a Crime Data Technician. This position is currently funded through a Criminal Justice Division 2016-17 grant, and is renewable for next fiscal year. The Crime Data Technician provides support for crime data collection and reporting to state databases for the department. No match is required. If the grant application is approved, funding and expenditure in the amount of \$28,550 will be included in the FY 2018 Grant Fund (Fund 39)

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#)

RS4. RS03-2017-

A RESOLUTION AUTHORIZING AGREEMENT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY FOR ACCESS TO CRIME RECORD SERVICES – LICENSE PLATE READER DATABASE.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Texas Department of Public Safety maintains several statewide databases of crime data that is available to local agencies. This agreement would give Cleburne Police Department access to the information and outlines rights and responsibilities of both parties. This agreement is required prior

to purchase of License Plate Readers that will be installed on police vehicles under a 2016-17 Criminal Justice Division Grant.

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#)

RS5. RS03-2017-

A RESOLUTION AUTHORIZING AGREEMENT WITH RECER MANAGEMENT LLC, DBA CLEBURNE FARMERS MARKET, TO OPERATE AND MANAGE AN OPEN-AIR FARMERS MARKET AT THE JOHNSON COUNTY MARKET SQUARE FOR A COST OF \$18,850.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Recer Management, LLC has previously operated a farmers market on Ridgeway Drive. Their desire has been to operate this market at the Johnson County Market Square and they have presented a plan to manage and operate all aspects of this project. They have the contacts, resources and time to invest in a year-round program to make this a successful venture that would likely bring more traffic to the downtown area. Under current Market Square ordinance guidelines, agricultural and artist vendors are exempt from fees if no water or electricity is required. Recer Management, LLC is requesting to charge rental fees for each vendor space with the exception of Johnson County-based vendors under a Special Event Permit from the first Saturday and successive Saturdays in May through the last Saturday and successive Saturdays in October.

They are requesting assistance from the City in the form of a Chapter 380 Economic Development Agreement, whereby the City would pay them a one-time fee of \$18,850 to recover costs associated with the planning, coordination, advertising, and management of all aspects of a farmers market. The funding for this venture was approved in the FY17 budget, and may be extended on a year-to-year basis contingent upon the desires of both parties, availability of funding and approval by the City Council. In return for the City's investment, Recer Management, LLC will:

- develop an advertising and promotion calendar in advance of market opening that will include a media campaign, signs, banners, brochures, etc.
- recruit, attract, retain, and manage a diverse mix of local and regional vendors
- secure all necessary permits and liability insurance
- ensure that Market Square is kept clean at end of market
- collect applications and any applicable fees from vendors and provide them with rules and regulations

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#), [Code](#)

OR1. OR03-2017-

AN ORDINANCE ACCEPTING CERTIFICATE OF UNOPPOSED CANDIDATES FOR THE OFFICES OF COUNCILMEMBERS, SINGLE MEMBER DISTRICTS TWO AND THREE; DECLARING THE MAY 6, 2017 GENERAL ELECTION CANCELLED AND DECLARING THE UNOPPOSED CANDIDATES ELECTED TO OFFICE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: On February 14, 2017, the City Council ordered the May 6, 2017 General Election to elect Councilmembers for Single Member Districts Two and Three. The period has expired for filing applications for place on the ballot including write-ins and the candidates for both council seats are unopposed. The Texas Election Code, Section 2.053 provides that upon receipt of a Certification of Unopposed Candidates, a governing body is authorized to cancel the called election and declare each unopposed candidate elected to office.

Oaths of office may be administered and the certificates of election may be presented at the first regular meeting following May 6, 2017, the date which the election would have been held.

ATTACHMENTS: [Action](#), [Ordinance](#), [Backup](#)

OC1.

APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CLEBURNE 2050 ADDITION, BEING 3.527 ACRES LOCATED IN THE WILLIAM SPEARS SURVEY, ABSTRACT #777 AND THE C.L. JACO SURVEY, ABSTRACT #460; AS REQUESTED BY AYMAN AROUSE AND MAURICE ALAZAR; REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: P&Z considered this at its February 27, 2017 meeting. The purpose for this final plat is to create one lot for the future site of medical offices. The property is zoned M1 (Light Industrial District). The zoning for the surrounding property is M1 (Light Industrial District), C0 (Non-retail District) and SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Transportation and Industry District. P&Z recommended approval of the plat with a vote of 5-0.

ATTACHMENTS: [Action](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

ITEMS PULLED FROM CONSENT AGENDA

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

ORDINANCES

****OPEN PUBLIC HEARING******OR2. OR03-2017-**

AN ORDINANCE REZONING 0.183 ACRES LOCATED AT 617 E CHAMBERS ST FROM C3 (COMMERCIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY ROBERT CLAY.

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

BRIEF: The Planning and Zoning Commission considered this at its February 27, 2017 meeting. This is a request to accommodate the non-conforming residential use that has existed at that location for a number of years. The zoning for the surrounding property on this same side of East Chambers is predominantly C3 although 621 East Chambers is already SF-4. The opposite side of East Chambers is MF with a relatively small number of properties in the SF-4/MH district. The future land use map from the Comprehensive Plan shows this property to be both in the “Central Corridor” and “Village” districts as a result of a seemingly random boundary between them. It seems likely that the intent was to designate it as a “Village” since there is no grade level connectivity or other strong relationship to East Henderson Street. As such, a single family detached residence is an appropriate use. 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.

ATTACHMENTS: [Action](#), [Ordinance](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

Speakers:

****CLOSE PUBLIC HEARING******MOTION:**

| | Motion | Second | Aye | No | Abstain | Absent | Result |
|----------|--------|--------|-----|----|---------|--------|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |

| | | | | | | | |
|------|-----------------------|--|----------------------|--|--|--|------------------|
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

OPEN PUBLIC HEARING**OR3. OR03-2017-**

AN ORDINANCE REZONING 2.228 ACRES LOCATED AT 1713 COUNTRY CLUB RD FROM C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY BVP INVESTMENT INC., REPRESENTED BY BRIAN FORRESTER.

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

BRIEF: The Planning and Zoning Commission considered this at its February 27, 2017 meeting. This is a request for the future construction of townhomes. Significant progress has been made toward a sufficiently complete submittal, but it would be an exaggeration to assert that the staff is completely satisfied with that which has been produced to date. Most of the deficiencies are related to the lack of detail. While site amenities like sidewalks and landscaping are indicated, they remain largely conceptual. While construction documents are not required, something more specific and refined than conceptual development plans are more typically considered sufficient for these types of approvals. The planning staff would also prefer slightly less density. Our inclination would be to recommend a reduction to no more than nineteen units by replacing the four two-story units adjacent to the existing gas station with two, single story units of a similar, but slightly smaller total size. The minor reduction in building footprint would allow a more generous spacing between the remaining units and eliminate poor views overlooking the gas station. The zoning for the surrounding property is C3 (Commercial District), SF-4 (Single-Family Dwelling District) and A (Agricultural District). The land use is Local Node District and the surrounding land use is Local Node and Traditional Neighborhoods District. Notifications were sent out to a 200' radius and there were inquiries in support and objecting to this request. P&Z recommended the request be denied with a vote of 5-0.

ATTACHMENTS: [Action](#), [Ordinance](#), [Backup](#), [Maps](#), [Minutes](#), [Pictures](#)

Speakers:

CLOSE PUBLIC HEARING**MOTION:**

| | Motion | Second | Aye | No | Abstain | Absent | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

OPEN PUBLIC HEARING**OR4. OR03-2017-**

AN ORDINANCE APPROVING VARIANCE FOR AN ELECTRONIC MONUMENT SIGN LOCATED AT 1705 N NOLAN RIVER RD; AS REQUESTED BY FIRST NATIONAL BANK GRANBURY, REPRESENTED BY TRENNON MASSENGALE WITH SWP CONSTRUCTION LLC.

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

BRIEF: A sign application was submitted for an electronic monument sign to be located at 1705 North Nolan River Road. The permit was denied as per Chapter 156 which states that in Traditional Neighborhoods, electronic message signs are not allowed.

ATTACHMENTS: [Action](#), [Ordinance](#), [Backup](#), [Code](#)

Speakers:

****CLOSE PUBLIC HEARING****

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|--|-----------------------|
| Kelly | | | | | | | | Approved as presented |
| White | | | | | | | | Approved as amended |
| Sturgeon | | | | | | | | Denied |
| Warren | | | | | | | | Withdrawn |
| Cain | | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | | <i>Roll Call</i> |

OR5. OR03-2017-

AN ORDINANCE APPROVING A VARIANCE FOR THE REQUIRED INSTALLATION OF A SIDEWALK FOR LOT 2, BLOCK 1, SIKES ADDITION LOCATED AT 1228 SANDSTONE DR; AS REQUESTED BY RICHARD SIKES.

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

BRIEF: The Planning and Zoning Commission considered this request at its February 27, 2017 meeting. The request is to waive the installation of sidewalks at 1228 Sandstone Drive. The ordinance requires sidewalks be installed on all new construction. The zoning for this lot is SF-4 (Single-Family Dwelling District). The Comprehensive Land Use Plan shows this area and surrounding area to be Traditional Neighborhoods District. P&Z recommended approval of this waiver by a vote of 5-0.

ATTACHMENTS: [Action](#), [Ordinance](#), [Maps](#), [Minutes](#)

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | | Result |
|--|--------|--------|-----|----|---------|--------|--|--------|
|--|--------|--------|-----|----|---------|--------|--|--------|

| | | | | | | | |
|----------|-----------------------|--|----------------------|--|--|--|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

BIDS & QUOTES

BQ1.

AUTHORIZE PURCHASE OF A 2017 FORD F750 DUMP TRUCK AND 2017 FORD F550 CRANE TRUCK FROM CHASTANG ENTERPRISES (THROUGH HGAC PURCHASING COOPERATIVE) FOR A TOTAL AMOUNT OF \$140,560.

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

BRIEF: The first unit is an addition to the fleet at a cost of \$64,085.00 that will enable the Water Distribution Department to best serve the City of Cleburne. The F-750 dump truck provides the ability to safely handle the transport of materials to and from jobsites within the City, provides adequate towing capacity to transport equipment in accordance with state law and fills a vital need for equipment within the department.

The second unit replaces an existing unit at a cost of \$76,475.00 that will be removed from the fleet and auctioned once the new unit is received. The F-550 crane truck will replace unit 7421A, a 2001 Ford F-550 that is currently used to transport unit 7421B, a 1998 sewer-cleaning rig, which will be mounted on a trailer and used in the maintenance of the water treatment plant.

This purchase will be made through HGAC, so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the approved Fiscal Year 2017 Water /Wastewater (Fund 60) budget.

ATTACHMENTS: [Action](#), [Backup](#)

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | Result |
|----------|-----------------------|--------|----------------------|----|---------|--------|-----------------------|
| Kelly | | | | | | | Approved as presented |
| White | | | | | | | Approved as amended |
| Sturgeon | | | | | | | Denied |
| Warren | | | | | | | Withdrawn |
| Cain | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

RESOLUTIONS

RS6. RS03-2017-
A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF \$79,810 IN GRANT FUNDS FROM CRIMINAL JUSTICE DIVISION FOR A MOBILE COMMAND VEHICLE TO BE USED IN THE POLICE DEPARTMENT.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Consider Justice Assistance Grant application to the Office of the Governor - Criminal Justice Division for \$79,810 to purchase a Mobile Command Vehicle. The Mobile Command Vehicle will be used for crime deterrence efforts, crime scene and accident investigations, critical incident response, and community event management. No match is required.

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#), [Model](#)

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | | Result |
|----------|-----------------------|--------|-----|----------------------|---------|--------|--|-----------------------|
| Kelly | | | | | | | | Approved as presented |
| White | | | | | | | | Approved as amended |
| Sturgeon | | | | | | | | Denied |
| Warren | | | | | | | | Withdrawn |
| Cain | | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

RS7. RS03-2017-
A RESOLUTION AUTHORIZING LEASE AND SERVICE AGREEMENT WITH NEVILLE DOCUMENT SOLUTIONS FOR 14 MULTIFUNCTION DEVICES (COPIER, PRINTER, SCANNER, FAX) FOR AN AMOUNT NOT TO EXCEED \$174,249.60.

Person presenting this item: Tom Davis, Interim IT Manager

BRIEF: Competitive quotes were solicited from vendors with City-approved DIR contracts for a company to provide a lease and service agreement for multi-function devices for fourteen (14) City departments. This quote request included average monthly copy counts for all applicable departments. Four (4) responses were received. The lowest, most reasonable quote was received from Nevill Document Solutions in the amount of \$174,249.60 for a sixty (60) month lease period. Nevill's quote was comprised of a base lease amount of \$2904.16 per month, and no additional cost for the average departmental copy count that was provided. This is an approximate annual cost savings over our current lease of \$8,560.00. Nevill Document Solutions is a Texas Department of Information Resources (DIR) Cooperative vendor, so all competitive purchasing requirements have been met. This contract is anticipated to begin on May 1, 2017 and will end on April 30, 2022.

ATTACHMENTS: [Action](#), [Resolution](#), [Backup](#)

MOTION:

| | Motion | Second | Aye | No | Abstain | Absent | | Result |
|----------|-----------------------|--------|-----|----------------------|---------|--------|--|-----------------------|
| Kelly | | | | | | | | Approved as presented |
| White | | | | | | | | Approved as amended |
| Sturgeon | | | | | | | | Denied |
| Warren | | | | | | | | Withdrawn |
| Cain | | | | | | | | Postponed until: |
| | <i>Motion Carried</i> | | | <i>Motion Failed</i> | | | | <i>Roll Call</i> |

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.