



REGULAR CITY COUNCIL MEETING AGENDA

MARCH 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

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 Todd Barham, Hope Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- Proclamation – National Public Safety Telecommunicator's Week, April 9-15, 2017
- Budget Update and Out Year Projections, Steve Polasek

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 MARCH 14, 2017 COUNCIL MEETING.

RS1. A RESOLUTION OPPOSING LEGISLATION THAT WOULD IMPOSE A REVENUE CAP ON LOCAL GOVERNMENTS AND ALLOW LEGISLATIVE INTERFERENCE IN THE PROVISION OF LOCAL SERVICES.

Person presenting this item: Steve Polasek, City Manager

BRIEF: Whereas the State legislature is currently considering legislation that would impose a hard revenue cap of five percent (5%) on local governments. The imposition of a five percent revenue cap would limit a city's ability to fund growth, provide essential services to include, but not limited to, police and fire, and impact their ability to participate in economic development projects. Further, imposing a revenue cap on cities does not provide meaningful tax relief; robs cities of the ability to meet local needs; diverts attention from the real cause of higher property taxes, which is the legislature's failure to address the problem of school funding; and, serves as an unfunded mandate and legislative interference with regard to local government control and provision of services. If approved, a copy of this resolution will be provided to the Governor and members of the Texas Legislature.

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

Person presenting this item: Terry Leake, Director of Finance

BIDS & QUOTES

BQ1. AUTHORIZE PURCHASE OF TWO 2017 TRUCKS, CHEVROLET 3500 UTILITY BED TRUCK AND CHEVROLET 1500 CREW CAB PICKUP FROM CALDWELL COUNTRY CHEVROLET (UTILIZING BUYBOARD CONTRACT) FOR A TOTAL AMOUNT UP TO \$76,411.

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

BRIEF: The first unit replaces existing unit 7305 at a cost of \$47,818.00. The existing unit will be removed from the fleet and auctioned, or replace a lower priority unit within the fleet that is less desirable to maintain. The new unit will enable the Water Distribution Department to best serve the City of Cleburne, providing crews the means to safely transport the necessary manpower, tools, and materials for water line repairs to and from jobsites within the City and fills a vital need for equipment within the department. The second unit replaces existing unit 7211 at a cost of \$28,593.00. The existing unit will be removed from the fleet and auctioned once the new unit is received, or replace a lower priority unit within the fleet that is less desirable to maintain. The new unit is a ½ ton crew cab truck that will be utilized to transport groups of employees to and from training and for daily transport within the City of Cleburne. This purchase will be made through BuyBoard, 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.

BQ2. AUTHORIZE PURCHASE OF PLAYGROUND EQUIPMENT FOR WESTHILL PARK FROM GAMETIME BY TOTAL RECREATION PRODUCTS, INC (BUYBOARD CONTRACT #512-16) FOR AN AMOUNT UP TO \$150,526.46.

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

BRIEF: This playground equipment will replace existing playground equipment at Westhill Park. This vendor (GameTime by Total Recreation Products, Inc.) was awarded the BuyBoard contract (#512-16) for this equipment, so all competitive purchasing requirements have been met. Additionally, this vendor was offering a discount in the amount of \$25,550.53 towards the purchase of new playground equipment. An amount of \$150,000.00 was budgeted in the 2016-2017 FY for this purchase in the General Fund

(01). The \$526.46 shortage for this purchase will be funded within the Parks and Recreation departmental budget, so no additional funds will be requested from Council.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 1700 CR 904 FROM IH TO SF4/MH; AS REQUESTED BY LARRY AND JESSICA GRAY.

Person presenting this item: Roy Jambor, Development Services Manager

BRIEF: The Planning and Zoning considered this at its March 13, 2017 meeting. This is a request to accommodate the use of the property as it has existed since the time it was annexed into the municipal limits. The surrounding land use is similar with a mixture of manufactured housing and traditional construction. The exception is a construction company located at 1600 CR 904. Notifications were sent out to a 200' radius and there were inquiries but no objections. P&Z recommended that this rezone be approved with a vote of 5-0.

OR2. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.027: PROCEDURES FOR MINOR PLATS REMOVING CITY ATTORNEY FROM APPROVAL PROCEDURE.

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

BRIEF: Texas Local Government Code Sec. 212.002 says that the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality. The Texas Local Government Code does not require the approval signature of the City Attorney. In an effort to increase customer service, we are requesting the removal of this signature. It may take several days for this signature due to the location and availability of the City Attorney, which delays the filing of the minor plat.

OR3. AN ORDINANCE AMENDING CHAPTER 98: PARKS & RECREATION, SECTION 98.302 BOOKER T WASHINGTON COMMUNITY AND RECREATION CENTER FEE SCHEDULE.

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

BRIEF: The 4B Economic Development Corporation Board of Directors met on November 17, 2016 and approved fee increases and to remove fees associated with classroom rentals. The classrooms that were once rented have been converted to more gym area with a full weight room.

OR4. AN ORDINANCE AMENDING CHAPTER 98: PARKS & RECREATION, SECTION 98.602 DON MOORE PARK AND CARVER PARK FEE SCHEDULE.

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

BRIEF: The Parks & Recreation Board met on March 6, 2017 and approved an increase in the fee to rent lights at each baseball field. They also approved an increase in the tournament fee.

OTHER COUNCIL MATTERS

OC2. ACCEPT THE CITY OF CLEBURNE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED SEPTEMBER 30, 2016 AS PREPARED BY CROWE HORWATH, LLP.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Section 8.12 of the City of Cleburne Charter states that an independent firm of certified public accountants will perform the annual audit and present the results to the City Council. On Tuesday, March 14, 2017, the Audit Committee met with Kevin Smith, the audit engagement partner, and Michelle Buss, the audit engagement manager, with the City's audit firm, Crowe Horwath LLP, to review the results of the annual audit for Fiscal Year ended September 30, 2016 and the Statement on Auditing Standards 114 audit management letter. The City received an unmodified opinion (Independent Auditor's Report), which is the most favorable audit opinion an entity can receive. Kevin Smith and Michelle Buss of Crowe Horwath, LLP will be present to give a brief presentation regarding the annual audit. The Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2016 is an exhibit to the staff report. A public copy of the CAFR is also available for review in the Finance Department, City Secretary's Office and Library. The CAFR will also be available on the City's website after acceptance by City Council.

OC3. APPOINTMENT TO THE LIBRARY ADVISORY BOARD.

Person presenting this item: Tina Dunham, Library Manager

BRIEF: The first term of board members Cyd Graham and Marcella Donovan will expire April 17th. Staff respectfully requests both be reappointed to a second term as they have been contacted and are willing to serve. Diana Leonard's second term expired March 17th so a replacement is needed. Staff requests the appointment of Ms. Essie Smith to fill this vacancy. She has been contacted and is willing to serve.

OC4. APPOINTMENT TO THE PARKS AND RECREATION ADVISORY BOARD.

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

BRIEF: Jim Abt's first term on the board expired March 17th. Mr. Abt has agreed to serve another term and staff recommends his reappointment.

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.

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

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.