



REGULAR CITY COUNCIL MEETING AGENDA

MAY 9, 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
- ✓ Nora Fussner, Development Services

Media:

- ✓ Matt Smith, Times-Review

II. COUNCIL SWEARING-IN CEREMONY

- ❖ Presentation of Colors by Cleburne Police Department Color Guard
 - ❖ Pledge of Allegiance led by Color Guard
- ❖ Opening Prayer by Pastor Andy Tyler, St Mark United Methodist Church
 - ❖ Administration of Statements of Elected Officer
 - ❖ Administration of Oaths of Office
 - ❖ Presentation of Certificates of Election

III. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation – National Police Week, May 14 – 20, 2017

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. 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 APRIL 25, 2017 COUNCIL MEETING.

RS1. A RESOLUTION APPROVING CLEBURNE'S INVESTMENT REPORT FOR QUARTER ENDED MARCH 31, 2016.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended March 31, 2017, the City invested solely in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At March 31, 2017, there was \$74,106,988 invested in the four pools with total quarterly interest income of \$152,475 (see attached quarterly investment report). The percentage allocation by investment pool is as of March 31, 2017 is LOGIC: 33.3%, Texas Class: 6.7%, TexPool: 10.1%, and TexSTAR: 49.9%.

OC1. APPROVE REPLAT OF LOT 1-2, BLOCK 1, TWO C – THREE C ADDITION, PARTIALLY LOCATED IN THE CITY'S ETJ, BEING 5.983 ACRES OF A PORTION OF TR. 7, DEWEY JAMES PLACE, AS REQUESTED BY TWO C, THREE C INC, REPRESENTED BY JEREMY DEAL.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to subdivide a portion of a tract of land into two lots. The majority is within the ETJ (including the frontage), although a small portion is within the municipal limits of Cleburne. The zoning for the surrounding property within the municipal limits of Cleburne is in the IH (Interim Holding) district. The Comprehensive Land Use Plan shows most of each lot in the Local Node District with a small rear portion of both in the Traditional Neighborhood District. Notifications were sent out to a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

ORDINANCES

OR1. AN ORDINANCE AMENDING CHAPTER 130: GENERAL OFFENSES, SECTION 13.21 NOISE AS NUISANCE OF THE CODE OF ORDINANCES.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: The proposed amendments include:

1. Changing the disturbance times from 8pm-7am to 10pm-7am every day of the week;
2. Adding a music disturbance for motor vehicles including music being audible at a distance of 50 feet or when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 50 feet from the source;
3. Adding exemptions such as: safety signals, sirens, emergency pressure relief valves, any emergency or public service work, activities conducted on public parks and playgrounds which are approved or sanctioned by the city, activities conducted on public or private school grounds which are approved or sanctioned by the school;
4. Activities listed under this section that are conducted within The Depot at Cleburne Station are exempt as long as they are conducted during the following hours: Sunday – Thursday: 7am-11pm and Friday and Saturday: 7am – Midnight; and
5. The City Manager may provide additional exemptions to this section upon written request by an event organizer.

OR2. AN ORDINANCE AUTHORIZING THE CLOSURE OF THE NORTH/SOUTH ALLEY BETWEEN LOT 7, BLOCK 314, AND LOT 7A, BLOCK 313, ORIGINAL CLEBURNE, LOCATED BETWEEN 203 AND 205 GRANDVIEW STREET; AS REQUESTED BY GARRY ALEXANDER.

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

BRIEF: Mr. Garry Alexander has requested that we close an alley that is not being utilized by the City and serves no other apparent public purpose. It separates two lots that he owns and prevents his desire to construct a single residential dwelling unit that utilizes all of his property at this location. Notice was sent out to all utility companies and we have not received any objections.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 0.7505 ACRES AND 3.046 ACRES LOCATED AT 602 OLIVE ST AND 304 TRINITY ST, FROM SF-4 TO SF-4/SUP (FOR A DAY CARE CENTER), AS REQUESTED BY EAST CLEBURNE COMMUNITY CENTER; REPRESENTED BY COMMUNITY DEVELOPMENT INSTITUTE HEAD START.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to allow the Community Development Institute to use the existing improvements as a “Head Start” facility (a Pre-K early learning program), defined as a day care center in our current ordinance. Most of the surrounding property is within the SF-4 district, with some nearby property within the C-3 and C-1 districts. The Comprehensive Land Use Plan shows this area to be in the City Center East district. The proposed use is included in the appropriate uses of the City Center East District. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 0.477 ACRES LOCATED AT 653 DEWEY ST, FROM SF-4 TO D, AS REQUESTED BY ROBIN &

ANGIE HOUGHTON, REPRESENTED BY SHELBY HOFFMAN.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to accommodate three, two-family dwelling units, each on separate lots (in accordance with a subdivision application). The surrounding property is almost entirely within the SF-4 district. The Comprehensive Land Use Plan shows this area to be in the City Center East District. The proposed use is not included in the appropriate uses or the specially permitted uses of the City Center East District. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

OR5. *PUBLIC HEARING* AN ORDINANCE REZONING 0.457 ACRES LOCATED AT 707 N ANGLIN ST, FROM C3 TO SF-4, AS REQUESTED BY SANTA HOMES LP, REPRESENTED BY JOSE AVELAR.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to market the property for residential use. It includes a non-conforming residential dwelling unit. The owner has attempted to sell or lease the property for over a year in its current state. The surrounding property on the same side of North Anglin Street is in the C3 district while the opposite side is in the MF district with two lots in the C1 district. The Comprehensive Land Use Plan shows this area to be in the Central Corridor District. The proposed use is not included in the Appropriate Uses or the Specially Permitted Uses of the Central Corridor District. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

OR6. *PUBLIC HEARING* AN ORDINANCE REZONING 0.25 ACRES LOCATED AT 907 S ROBINSON ST, FROM MF TO MF/SUP (FOR A PRIVATE COMMUNITY CENTER), AS REQUESTED BY GONE WITH THE WIND REMEMBERED MUSEUM, REPRESENTED BY MICHAEL & VICKY ROGERS.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to add an event center (described in our ordinance as “community center, private”) to the uses approved at this location. The zoning for the surrounding property is predominantly MF although the adjacent lot sharing a rear property line is in the C1 district and the property across the street owned by the applicant is their museum which is in the C2 district with an SUP. The Comprehensive Land Use Plan shows this area to be in the Preservation District. The proposed use is included in the appropriate uses of the Preservation District. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

OR7. *PUBLIC HEARING* AN ORDINANCE REZONING 0.4199 AND 0.2105 ACRES LOCATED AT 1402 & 1406 COURTNEY PL, FROM SF-4 TO MF, AS REQUESTED BY TMBH INVESTMENTS.

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

BRIEF: The Planning and Zoning Commission considered this at its April 24, 2017 meeting. This is a request to develop the property in a manner consistent with the existing eight units on that street (a cul-de-sac). The zoning for the surrounding property is mostly C3 that includes non-conforming multi-family units. There is also vacant and developed adjacent or nearby property in the SF-4 district. The Comprehensive Land Use Plan shows this area to be a Traditional Neighborhood District. The proposed use is included in the specially permitted uses of the Traditional Neighborhoods District. Notifications were sent out to property owners in a 200' radius and there were inquiries but no objections. P&Z recommended approval of the rezone with a vote of 4-0.

OR8. AN ORDINANCE APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2017 RATE REVIEW MECHANISM FILINGS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The City of Cleburne, along with other cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”) to review rates proposed by Atmos for natural gas service. The Rate Review Mechanism (RRM) Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), which is the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times since 2007, most recently in 2013 and will expire in 2017.

The 2017 RRM filing is the fifth RRM filing under the renewed RRM Tariff. On March 1, 2017, Atmos made a filing requesting \$57.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$46.4 million from other municipalities. As a point of reference, environs customers (ratepayers outside municipal limits) remain under the Railroad Commission’s exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process, it would receive a \$52.4 million increase, or about \$4.4 million more than will be approved by the proposed ordinance. ACSC and the Company have reached an agreement, reflected in the proposed ordinance, to reduce the Company’s request by \$9.4 million, such that the proposed ordinance approving new rates reflects an increase of \$48 million on a system-wide basis, or \$38.8 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the proposed ordinance approve rates that will increase the Company’s revenues by \$38.8 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2017. The monthly residential customer charge will be \$19.60. The consumption charge will be \$0.14 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$2.04, or about 3.87%. The typical commercial customer will see an increase of \$6.27, or 2.37%. Attached is a summary of the impact of new rates on the average bills of all customer classes.

Points of note in the proposed ordinance:

- The settled amount of \$48 million on a system-wide basis is a comprehensive settlement of gas utility rate issues arising from Atmos Mid-Tex's 2017 RRM filing, and that such settlement is in the public interest and is consistent with the City's statutory authority.
- The existing Atmos Mid-Tex rates to be unreasonable, and approves the new tariffed rates providing for additional revenues over currently-billed rates of \$48 million on a system-wide basis and adopts the attached new rate tariffs.
- Establishment of the baseline for pensions and other post-employment benefits for future rate cases.
- Requires the Company to reimburse Cities for reasonable ratemaking costs associated with reviewing and processing the RRM filing.
- Requires a rate reconciliation in the event that federal income tax rates change.
- Requires renegotiation of current RRM terms and conditions this Summer and if new terms and conditions are not agreed to by both parties, the RRM process will be terminated and Cities will be encouraged to pass show cause resolutions to trigger a traditional rate case at the Railroad Commission.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all cities adopt the ordinance with its attachments approving the negotiated rate settlement resolving the 2017 RRM filing, and implementing the rate change.

OTHER COUNCIL MATTERS

OC2. CONFIRM APPOINTMENTS TO THE TAX INCREMENT FINANCE #2 BOARD OF DIRECTORS – ROGER HARMON AND LARRY WOOLEY.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On April 24, 2017, the Johnson County Commissioner's Court approved the reappointment of Judge Roger Harmon and Commissioner Larry Wooley (Precinct #4) as the County's representatives to the Tax Increment Finance Reinvestment Zone Number Two (TIF Zone #2) for a term of two years. This item is for confirmation of the County Board representatives to TIF Zone #2 for a term of two years per the TIF Zone #2 Bylaws, as Judge Harmon's term expired in April 2017 and Commissioner Woolley's term expires in June 2017.

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.