



REGULAR CITY COUNCIL MEETING AGENDA

AUGUST 22, 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
- ✓ Shelly Doty, City Secretary
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Pastor Brian McClure, United Presbyterian Church

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.

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 AUGUST 8, 2017 COUNCIL MEETING.

RS1. A RESOLUTION APPROVING AN UPDATED INVESTMENT STRATEGY AS PART OF THE CITY OF CLEBURNE'S INVESTMENT POLICY.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The Public Funds Investment Act, Government Code 2256, requires that public entities have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. There is a requirement in the Public Funds

Investment Act, Government Code 2256.005 that the governing body review and affirm the investment strategy annually. Attached is the investment strategy by fund type (operating, debt service, debt service reserve, and special revenue/purpose as contained in the City's investment policy adopted by City Council on July 12, 2016 (RS07-2016-51) for the Council's annual review and affirmation of the investment strategy.

RS2. A RESOLUTION APPROVING CITY OF CLEBURNE'S INVESTMENT REPORT FOR QUARTER ENDED JUNE 30, 2017.

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 June 30, 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 June 30, 2017, there was \$69,980,205 invested in the four pools with total quarterly interest income of \$171,031 (see attached report). The percentage allocation by investment pool is as of June 30, 2017 is LOGIC: 35.9%, Texas Class: 7.2%, TexPool: 10.7%, and TexSTAR: 46.2%.

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

Person presenting this item: Terry Leake, Director of Finance

OC2. APPROVE FINAL PLAT OF LOTS 1-8, BLOCK D, LOTS 1-12, BLOCK F, LOTS 1-8, BLOCK G AND LOTS 7-12, BLOCK I, BELLE MEADOWS ADDITION (BEING 9.771 ACRES IN THE JM STEINER SURVEY); AS REQUESTED BY RAINTREE HOMES, INC.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: The Planning and Zoning Commission considered this at its August 14, 2017 meeting. The purpose for this final plat of Belle Meadows, Phase III Addition is to create thirty-four lots for the future construction of residential homes. The subject property is zoned SF-4 – Single-Family Dwelling District, and the Comprehensive Land Use Plan shows this area to be Village District. P&Z recommended approval of the plat with a vote of 5-0.

RESOLUTIONS

RS3. A RESOLUTION STATING THE CITY'S INTENT TO ADOPT A TAX RATE OF \$.804018/\$100 OF VALUATION FOR FISCAL YEAR 2018 AND SCHEDULE A PUBLIC HEARING ON THE TAX RATE FOR TUESDAY, SEPTEMBER 12, 2017 AT 5:00PM.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 26 of the Texas Property Tax Code requires taxing units to comply with "Truth-in-Taxation" laws in setting tax rates and that an effective tax rate calculation is performed. The calculated Fiscal Year 2018 (FY 2018) / Tax Year 2017 effective tax rate is \$.805158 utilizing

the July 25, 2017 certified tax roll as the basis for calculation. The proposed rate for FY 2018 is \$.804018 per \$100 of valuation, which is the rate presented to City Council at the FY 2018 budget workshop on August 15, 2017. This rate is unchanged from FY 2017, and, if adopted, would be the fifth straight year with this proposed tax rate. As the proposed rate of \$.804018 is lower than the effective tax rate of \$.805014, legislation requires that a city only need to publish the "Notice of Proposed Tax Rate" to be in compliance with the Texas Property Tax Code. The "Notice of Proposed Tax Rate" for FY 2018 will be published on Wednesday, August 23, 2017 in the *Cleburne Times-Review*. In order that the citizens of Cleburne be informed of the proposed FY 2018 tax rate, the proposed resolution reflects the City Council's intention to adopt a tax rate of \$.804018. The City Council will hold a public hearing on the proposed FY 2018 tax rate on Tuesday, September 12, 2017 at 5:00 pm. for the adoption of the tax rate.

The allocation for the FY 2018 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$.154880 and the operations and maintenance (General Fund rate) is \$.649138. The ordinance adopting the FY 2018 tax rate will reflect these rates.

RS4. A RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH CLEBURNE INDEPENDENT SCHOOL DISTRICT REGARDING THE WAIVING OF CERTAIN BUILDING PERMIT AND INSPECTION FEES FOR THE EXPANSION AND RENOVATION OF CLEBURNE HIGH SCHOOL.

Person presenting this item: Steve Polasek, City Manager

BRIEF: The Cleburne Independent School District (CISD) is currently in the early stages of a significant expansion and renovation project involving the Cleburne High School campus. Estimated at over \$100 million dollars, this project will play a prominent role in the community for generations to come. Given the size, scope and cost of the expansion and renovation, this project will generate significant building permit and inspection fees initially estimated at over \$160,000. There exists the opportunity for the City to assist the CISD by waiving a portion of the building permit fees (fifty percent) up to an amount not to exceed \$60,000, excluding any mechanical, electrical and plumbing permits and inspection fees or any costs tied to the delivery of water and wastewater service. This would allow the CISD to invest these additional funds back into the project for the long-term benefit of the students and community. It would also ensure that the City is able to recover its operating costs pertaining to inspections and the issuance of permits.

RS5. A RESOLUTION AUTHORIZING CONTRACT WITH ALLIANCE GEOTECHNICAL GROUP FOR GEOTECHNICAL MATERIALS TESTING FOR THE HWY 174 NORTH SANITARY SEWER PROJECT FOR AN AMOUNT NOT TO EXCEED \$156,264.

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

BRIEF: The City awarded a construction contract on June 27, 2017 to Venus Construction, Inc. for the construction of the State Highway 174 North Sanitary Sewer Project. As per City of Cleburne requirements, material testing for the sanitary sewer line is required for this project. City staff is requesting approval of a geotechnical testing contract with Alliance Geotechnical Group of Fort Worth, Texas in the amount of \$156,264. This firm was contracted by the City for

the testing at the Depot at Cleburne Station during the past year, and services are considered engineering type professional services.

RS6. A RESOLUTION AUTHORIZING CONTRACT WITH PRIME SOURCE CONSTRUCTION INC FOR ROOF REPLACEMENT AT THE TRANSFER STATION FACILITY FOR AN AMOUNT NOT TO EXCEED \$56,850.

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

BRIEF: The roof at the Transfer Station is over twenty years old and is in need of replacement. The contractor will be installing a new 13,100 square foot Dura Last Roofing System on the building. The attached quote in the amount of \$56,850 was solicited through The Interlocal Purchasing System (TIPS) and meets all purchasing requirements.

RS7. A RESOLUTION APPROVING AN EMERGENCY VALVE REPAIR FOR THE WASTEWATER TREATMENT PLANT WITH MVA SERVICES, LLC IN THE AMOUNT OF \$47,950.00 AND AVT SERVICE TECHNOLOGIES IN THE AMOUNT OF \$50,405.00 AND DECLARING THE CONTRACTS AN EMERGENCY UNDER THE PROVISIONS OF SECTION 252.022 (2) OF THE LOCAL GOVERNMENT CODE.

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

BRIEF: One of the critical operation valves that is used at the Wastewater Treatment Plant has broken. This Return Activated Sludge (RAS) valve is used to remove sludge from the #1 clarifier at the plant. The broken valve prevents the plant operators from controlling the amount of sludge removed from the clarifiers. A contractor was hired to attempt a repair, but was forced to abort the excavation due to underground obstacles and safety concerns. However, our engineering firm, Freese and Nichols, has reviewed the information and has recommended an alternative repair plan (attached). The proposed vendors for this repair are MVA Services, LLC and AVT Service Technologies for a total amount not to exceed \$98,355.00.

MVA Services was selected to complete this project due to their knowledge of the issue and previous experience with the first attempt at excavation. MVA will complete the excavation, valve inspection and backfill at a cost of \$43,450.00, with a contingency amount of \$4,500.00 to cover the possibility of additional required work. If a repair is possible, MVA will repair the valve on-site. In the event that a repair is not possible, AVT Service Technologies will complete a valve replacement. AVT was recommended by Freese and Nichols due to their successful completion of a project of similar scope. The fee for AVT Service Technologies includes the valve replacement at a cost of \$46,550.00 and a contingency amount of \$3,855.00 to cover the possibility of an additional day of work for a total amount not to exceed \$50,405.00.

This expenditure is necessary for maintaining TCEQ compliance and the avoidance of possible sludge overflow in our city water. Per Section 252.022 (2) of the Local Government Code, there is an exemption from bidding requirements when “a procurement necessary to preserve or protect the public health or safety of the municipality's residents”. This is deemed an emergency purchase under those provisions of the Local Government Code. Normal competitive purchasing procedures do not apply to emergency purchases.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE APPROVING SPECIAL EXCEPTION USE PERMIT FOR REDUCTION OF REQUIRED PARKING SPACES AT 1708 W HENDERSON ST; AS REQUESTED BY METROPLEX WINTERGREEN LP, REPRESENTED BY BRYAN BURGER.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: As authorized by the Ordinance adding Section 155.16 to the Code of Ordinances providing for Special Exception Use Permits for Parking Space requirements, a request has been received from Metroplex Wintergreen, LP, for consideration of a Special Exception Use Permit for the property located at 1708 W. Henderson Street, the future location of a proposed Aldi Food Market. Per City Ordinance, 110 parking spaces are required for the 22,000 square foot grocery store. Aldi Food Market is requesting a reduction of 11 spaces to provide a maximum of 95 parking spaces on the subject property. The applicant contends that the reduction in parking will allow for additional landscaping which will enhance the overall appearance of the store. The requested reduction in parking should not adversely impact the operation of the proposed business, nor to the surrounding properties.

OR2. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 157: MANAGEMENT OF THE RIGHT-OF-WAY, PROVIDING FOR A NEW SECTION 157.16: NETWORK NODES IN PUBLIC RIGHT-OF-WAY, FOR THE REGULATION OF CITY RIGHTS-OF-WAY FOR WIRELESS NETWORK PROVIDERS.

Person presenting this item: Keith Fisher, Public Works Director

BRIEF: The City of Cleburne encourages the deployment of state-of-the-art small cell wireless technology within the City for the many benefits it promises the citizens of Cleburne including increased connectivity and reliable networks and services. However, standards and procedures must be provided to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City's right-of-way and to minimize and reduce impacts to the City, its residents, and visitors; and for the general health and welfare of the public.

Due to the increasing number of facilities in the City's right-of-way, staff is recommending an amendment to the Chapter 157 "Management of the Right-of-Way" which is applicable to all public service providers including wireless service providers or network providers as defined by Chapter 284 of the Texas Local Government Code. In addition, staff proposes adoption of a Design Manual for the Installation of Network Nodes and Node Support Poles to provide technical criteria and details necessary for providers seeking to install and construct network nodes and node support poles in the City's right-of-way.

OTHER COUNCIL MATTERS

OC3. APPROVE REPLAT OF LOT 3R, BLOCK 1, MILSTEAD ACREAGE ADDITION (BEING 0.529 ACRE TRACT IN THE MILSTEAD ACREAGE ADDITION; AS

REQUESTED BY VAQUERO CLEBURNE PARTNERS, LP.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: The Planning and Zoning Commission considered this at its August 14, 2017 meeting. The purpose for this replat is to create one platted lot. The subject property is zoned M1 – Light Industrial District, and the Comprehensive Land Use Plan shows this area and surrounding to be Industrial TDA and Regional Corridor Districts. P&Z recommended approval of the plat with a vote of 5-0.

OC4. APPROVE PRELIMINARY PLAT OF LOTS 1-2, BLOCK 1 AND THE FINAL PLAT OF LOT 1, BLOCK 1, NOLAN RIVER RETAIL ADDITION (BEING 2.1131 ACRES IN THE JM STEINER SURVEY), AS REQUESTED BY METROPLEX WINTERGREEN, LP; REPRESENTED BY BURGER ENGINEERING, LLC.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: The Planning and Zoning Commission considered this at its August 14, 2017 meeting. The purpose for this preliminary and final plat of Nolan River Retail Addition is to create one lot for the future use of an Aldi food store. The subject property is zoned C2 – General Business District, and the Comprehensive Land Use Plan shows this area and surrounding to be Traditional Neighborhoods and City Center West Districts. P&Z recommended approval of the preliminary & final plats with a vote of 5-0.

OC5. APPOINTMENT TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE – JOHN FINNELL.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: The Capital Improvements Advisory Committee is made up of the Planning and Zoning Commission and if an impact fee may be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area. Mr. John Finnell, a resident of our ETJ, has submitted an application and agreed to serve. The Board and Commission Committee has reviewed his application and recommends his appointment.

OC6. PROGRESS REPORT ON THE REVISIONS TO TITLE XV: LAND USAGE OF THE CODE OF ORDINANCES.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: This item presents a phased approach for the adoption of an update to the City's Land Use Ordinances. The presentation will include details on each affected chapter.

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: