



NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING** of the above named City will be held on the **12th** day of **SEPTEMBER, 2017**, at **5:00pm**, in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.

At which time the following subjects will be discussed, to-wit:

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in City Hall of said City in Cleburne, Texas, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net, and said Notice was posted on **September 8, 2017**, by **5:00 p.m.**



City of Cleburne

By *Shelly Doty*
Shelly Doty, City Secretary



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.

Note: A quorum of any Cleburne board, commission, or committee may be present at this meeting.

Agenda Removal Notice

Date:

Initials:



REGULAR CITY COUNCIL MEETING AGENDA

SEPTEMBER 12, 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 Reverend Kenny Rigoulot, United Presbyterian Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – STARS Award for July 2017 – Jeff Bullock, Wastewater Collections Dept
- ☆ Proclamation – Constitution Week, September 17-23, 2017
- ☆ Proclamation – National POW/MIA Recognition Days, September 15-17, 2017
- ☆ Proclamation – 2017 Cleburne High School House System for Classes 1945-1976 Annual Reunion Day, September 30, 2017

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 22, 2017 COUNCIL MEETING.

RS1. A RESOLUTION SUPPORTING THE HURRICANE HARVEY RELIEF EFFORTS AND AUTHORIZING THE CITY MANAGER TO ALLOCATE CITY RESOURCES AND ASSISTANCE TO THE CITY OF INGLESIDE, TEXAS AND OTHER COASTAL COMMUNITIES, AS APPROPRIATE.

Person presenting this item: Steve Polasek, City Manager

BRIEF: Hurricane Harvey hit the Texas gulf coast region as a category 4 hurricane, causing tremendous damage as a result of storm surges, high winds and flooding. Over thirteen million people are estimated to have been impacted by Hurricane Harvey and many Texas communities have been devastated. In response to the State request for assistance, Cleburne firefighters and an engine were previously dispatched to the gulf coast region to assist in emergency response efforts. Further, the Cleburne Animal Shelter is currently housing both dogs and cats that were evacuated from the area.

Going forward there is still much work to be done in order to bring some level of normalcy back to the communities most heavily hit by the storm. Full restoration will likely be measured in months and even years. Our community has chosen to partner with the City of Ingleside to assist them in their recovery efforts. While basic infrastructure remains the present concern, the long term rebuilding of homes, businesses and lives remains. The proposed resolution further memorializes Cleburne's partnership with the City of Ingleside and authorizes the city manager to allocate city resources and assistance to the City of Ingleside and other coastal communities as appropriate. Through state and federal assistance programs, it is likely that much of the cost associated with our assistance efforts will be reimbursable; however, it is unknown at what level. Careful attention will be given to ensure that our assets and the operational needs of the City of Cleburne are not adversely compromised during any such efforts.

RS2. A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The Routine Airport Maintenance Program (RAMP) grant is a 50/50 match from the Texas Department of Transportation that is received annually to help with the grounds, buildings and weather station maintenance. The grant amount is \$50,000.00. An example of the items covered are:

- Runway/taxiway light bulbs and fixtures
- Maintenance agreement for the weather station AWOS (Automated Weather Observation Station)
- Hangar/building maintenance
- Self Service fuel island repairs

All airside maintenance needs come first. The runway/taxiway lighting, pavements, drainage and weather station are considered airside. The items that directly relate to the travel of aircraft come first before other items are addressed.

OR1. AN ORDINANCE AMENDING THE COUNCIL APPROVAL AMOUNT FOR PURCHASES TO MATCH THE STATE REQUIREMENT OF \$50,000.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: In 2007, the State of Texas adopted legislation to raise the purchase requirement for formal bids from \$25,000 to \$50,000 as outlined in Texas Local Government Code 252. At that time, an ordinance was adopted by City Council on November 13, 2007 (OR11-2007-62) for the increase to \$50,000 for formal bids, but Council preferred to continue to require Council approval for all purchases of \$25,000 and up. This was done to ensure the City procurement practices were

transparent, fair, and created open competition with all vendors that might be interested in doing business with the City.

At the August 15, 2017 City Council budget workshop, staff informed Council that purchases \$50,000 and under can be approved directly by the City Manager for a more expedient acquisition process. The purchasing of a good or service would still require three quotes before it would be awarded to a vendor, per the Purchasing Policy. Council directed to bring forward a change to amend the Council approval amount for purchases to match the state requirement of over \$50,000.

As a point of reference, during fiscal year 2017, the Purchasing area of the Finance Department has taken steps to increase visibility to vendors for bid (purchases over \$50,000) and quote (purchases from \$3,000 to \$50,000) opportunities. All quotes and bids are now posted on the City website through the PublicPurchase.com website, a national database for government entity bid opportunities. Vendors that have completed the free registration on the website receive automatic email notification when a bid or quote request is posted if it matches the categories they have chosen for their businesses, and all vendor bids and quotes are submitted to the City electronically. The Chamber of Commerce has also been communicating with vendors to communicate the move to posting business goods and services procurement opportunities to this website. This has increased the number of vendors being notified of bid and quote opportunities, and has accomplished the goal of increased visibility and fair and open competition.

OR2. AN ORDINANCE AMENDING THE 2016-2017 ANNUAL BUDGET BY APPROVING THE CITY MANAGER'S LINE ITEM BUDGET TRANSFERS WITHIN VARIOUS DEPARTMENT BUDGETS.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Section 8.2 of the City of Cleburne Charter (Transfer of Appropriations) states “The City Manager may at any time with the approval of the City Council transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. At the request of the City Manager, the Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.” At the June 13, 2017 City Council meeting, Council approved a resolution providing for the following process to improve budgetary control and operational effectiveness within a department and meet the above charter requirements:

- City Council authorizes the City Manager to make transfers within budget line items that are within a department, as deemed appropriate by the City Manager.
- The City Manager will provide to the City Council a monthly statement of these intradepartmental line item budget transfers as a Consent agenda item.

As a part of the Fiscal Year 2018 budget process, all departments' existing Fiscal Year 2017 line items were reviewed as to financial status at fiscal year-end. For line items that were projected to be over the adopted line item budget amount, departments were required to project savings in other line items within their budget to cover an individual line item overage. These line item budget projections with the new totals were presented to the City Manager for review. Attached is the list of intradepartmental transfers deemed appropriate to be made by the City Manager for City Council approval.

OR3. AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 35: TAXATION AND FINANCE BY ADDING SECTION 35.11: ELECTRONIC PAYMENT

PROCESSING FEE BY ESTABLISHING A \$1.50 CONVENIENCE FEE ON ALL DEBIT AND CREDIT CARD TRANSACTIONS PROCESSED BY THE MUNICIPAL COURT AND UTILITY BILLING DEPARTMENTS; TO BECOME EFFECTIVE NOVEMBER 1, 2017.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Currently, the City accepts payment by electronic means such as credit and debit cards, in person, by phone and on our website. When a payment is made electronically, a card processor charges the City a fee depending on what type of card is used (Visa, MasterCard, etc.) and the way a payment is made (website, in person, over the phone). In fiscal year 2016, the City paid approximately \$165,000 in customer related electronic payment transaction fees on approximately 74,000 transactions. While fees are incurred at all funds collection points in the City, the two largest generators of these fees were Utility Billing (\$129,718) and Municipal Court (\$7,120) with a combined total of almost 51,000 transactions.

Chapter 132 of the Local Government Code governs payment of fees and other costs by credit card or electronic means in municipalities and counties and permits charging a processing fee for the convenience of using a credit card. Below is applicable excerpts:

Sec. 132.002. PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS.

(b) The governing body of a municipality may authorize a municipal official who collects fees, fines, court costs, or other charges to:

- (1) accept payment by credit card of a fee, fine, court cost, or other charge; and
- (2) collect a fee for processing the payment by credit card.

Sec. 132.003. PROCESSING OR HANDLING FEE.

(b) The governing body of a municipality shall set the processing fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. However, the governing body may not set the processing fee in an amount that exceeds five percent of the amount of the fee, fine, court cost, or other charge being paid.

To recoup a portion of the transaction fees charged to the City by credit card processors, it was recommended at the Fiscal Year 2018 City Council Budget workshop that a transaction fee of \$1.50 be adopted. Council directed that the \$1.50 convenience fee be implemented in Utility Billing and Municipal Court on debit and credit cards on all methods to pay a transaction (in person, phone, website, and fax). To provide adequate time for notification and implementation, the convenience fee will become effective November 1, 2017. Additionally, it was recommended that a \$5.00 minimum purchase be established for debit/credit card purchases, given the transaction fees charged by the card processors. Council directed that minimum be established and will be done by administrative policy to be effective November 1, 2017.

RESOLUTIONS

RS3. A RESOLUTION AUTHORIZING 30 YEAR LEASE AGREEMENT WITH SCOTT AND DANA PERDUE FOR TRACT 490 AT THE CLEBURNE REGIONAL AIRPORT.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Scott and Dana Perdue would like to lease Tract 490 at the Airport to build an 8,000 square foot hangar. The term of the lease would be 30 years with the option of a 10-year extension. The lease payment will be deferred until 2027 due to Scott and Dana Perdue paying for the apron in front

of the hangar. Once the apron is complete, the pavement becomes the property of the airport.

Beginning in 2027, the lessee will pay to City a ground rental of \$880 per year. Also, the lessee's rental rates may be adjusted at the end of each three (3) year period and computed according to the Consumer Price Index (CPI) for the Dallas/Fort Worth, Texas Standard Metropolitan Statistical Area in an amount not greater or less than 5%.

RS4. A RESOLUTION AUTHORIZING AN AGREEMENT WITH THYSSENKRUPP ELEVATOR AMERICAS FOR THE REPAIR AND MODERNIZATION OF THE ELEVATOR AT CITY HALL BY FOR AN AMOUNT NOT TO EXCEED \$68,983.20.

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

BRIEF: This agreement will repair and modernize the elevator at City Hall. The elevator was installed in 1995 and needs to be overhauled. The electrical conduits, elevator car and shaft are all in good repair. All other mechanical and operational parts will be replaced. The anticipated cost for the modernization project is \$62,712, however, a contingency of \$6,271.20 (10%) has been added for any unforeseen repairs that may need to be made due to the age of the elevator. The control display will be digital, but for the most part, the elevator will look the same. ThyssenKrupp is a member of an intergovernmental purchasing cooperative called the National IPA (Intergovernmental Purchasing Alliance), so all competitive purchasing requirements have been met. The modernization will take approximately 2-3 weeks to complete once the project is scheduled. This project will be funded by utilizing existing savings in this year's Building Maintenance & Repairs budget.

Staff informed City Council of this project at the Fiscal Year 2018 Budget workshop held on August 15, 2017. It was relayed to Council that the funding for the project would be transferred from the General Fund to the Capital Projects Fund at the end of Fiscal Year 2017 by ordinance approval action.

RS5. A RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTION OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN UNDER WHICH AN IMPACT FEE MAY BE IMPOSED FOR ROADWAYS WITHIN THE CITY AND SAID PUBLIC HEARING IS TO BE HELD OCTOBER 24, 2017 AT 5:00PM IN THE CITY HALL COUNCIL CHAMBERS.

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

BRIEF: This resolution being requested is part of the water, wastewater and roadway impact fees creation process. In accordance with Chapter 395 of the Texas Local Government Code the City Council must adopt the land use assumptions and capital improvements plan. As per the Texas Code, the impact fee can only be assessed based on land use and capital improvements over the next 10 years. The Capital Improvements Advisory Committee is directed to review the land use assumption and capital improvements plan for roadway facilities and forward their recommendations to Council no later than October 24, 2017. This resolution schedules the public hearing to be held on October 24, 2017 for any additional public input.

ORDINANCES

OR4. *PUBLIC HEARING* AN ORDINANCE APPROVING THE ABANDONMENT OF A 7' X 105' PORTION OF A NORTH/SOUTH ALLEY ABUTTING LOT 9, BLOCK 2, ORIGINAL CLEBURNE, ALSO KNOWN AS 106 EAST HENDERSON STREET, AS

REQUESTED BY ALICIA SMITH, REPRESENTED BY TERESA & JAMES FERENS.

Person presenting this item: Shane Pace, Community Development Director

BRIEF: Ms. Alicia Smith has requested to abandon a 7'x105' portion of the alley abutting her building at 106 E. Henderson St. The request has been made to facilitate a second point of egress, from the second floor of the building. The applicant is currently planning a major renovation to the building, which is the previous location of the "Comic Box". Given the proposed use and occupancy classification, the International Fire Code (IFC) requires a second point of egress, with an exit to the exterior of the building. The applicant has proposed to construct a staircase which will land within the alley right-of-way. Staff has reviewed the request, and has no issues or concerns with the proposed location of the stairwell, or the requested abandonment of a portion of the alley.

OR5. *PUBLIC HEARING* AN ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018.

Person presenting this item: Steve Polasek, City Manager

BRIEF: In accordance with Section 6.2 of the City of Cleburne Charter, Preparation And Submission Of Budget, the City Manager filed the proposed budget on August 8, 2017 and presented it to the City Council at the August 15, 2017 City Council Budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 12, 2017 for adoption of the proposed fiscal year 2018 budget as presented.

The proposed budget for fiscal year 2018 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the February 18, 2017 Council Workshop and the Strategic Plan, which outlines various projects addressing our key focus areas of Economic Development, Planning and Growth Management, Public Infrastructure Enhancements, Aesthetics/Quality of Life Programs, and Information Sharing/Communications.

Key points of the budget are:

- No tax rate increase
- Continue pursuit of economic development opportunities
- Identify public / private partnership opportunities
- Begin fee schedule review
- Continue to seek creative and alternative means of revenue generation
- Identify and implement operational cost savings initiatives

Expenditures:

- Continue to invest in our employees
 - Maintain competitive employment environment
 - Support of current compensation plan
 - Affordable health insurance
- Limited potential for new positions (*corresponds to workloads and service levels*)
- Keep annual recurring costs at or below current levels
- Limited new program expenditures
 - Economic Development – downtown
 - Rental property registration / inspection program

- On-going organizational restructuring to improve efficiencies and accountability
- Investment in infrastructure, facilities, vehicles and equipment
- Enhance fund balance reserves where possible
- Preliminary planning and engineering for the sewer treatment plant expansion and renovation project and rate study for funding of the project

Below are some, but not all, of the major proposed fiscal year 2018 city-wide capital purchases and large operating expenses:

- Signal Lights – Nolan River at Cleburne Station
- Replace Dome Liner and Dome Lighting at Splash Station
- Resurface Slide Interior and replaster the Leisure Pool at Splash Station
- General Vehicle Replacement for Police, Sanitation, Parks & Recreation, and Ambulance
- Gym Floor and A/C Replacement at Booker T. Washington Recreational Center
- Major Street Repair Projects
- Waste Water Treatment Plant Expansion Engineering
- Façade Improvement Program

As a point of reference, this item is presented as a public hearing to be in compliance with Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter which states “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” To be in compliance with this Charter requirement, at the August 8, 2017 City Council meeting, the City Council stated its intent to schedule and hold the public hearing to adopt the budget on September 12, 2017, at 5:00pm, a regularly scheduled meeting of the City Council. Additionally, to be in compliance with State law, a record vote must be taken on this proposed ordinance. The proposed ordinance includes the appropriation amounts for the following budgets: General Fund, Water/Wastewater Fund, General Debt Service Fund, 4B Sales Tax Fund, 4A Corporation Sales Tax Fund, Airport Fund, and Drainage Utility Fund.

OR6. *PUBLIC HEARING* AN ORDINANCE SETTING THE AD VALOREM TAX RATE FOR TAX YEAR 2017 AT A \$0.804018 PER ONE HUNDRED DOLLARS PROPERTY ASSESSMENT AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE, TEXAS FOR OPERATIONS IN FISCAL YEAR 2018.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. The proposed rate for Fiscal Year 2018 is \$0.804018 per \$100 of valuation, which is the rate presented to the City Council at the August 15, 2017 budget workshop. This rate is unchanged from Fiscal Year 2017, and would be the fifth straight year with this proposed tax rate. The calculated Fiscal Year 2018 effective tax rate is \$0.805158 per \$100 of valuation utilizing the July 25, 2017 certified tax roll. As the proposed tax rate of \$0.804018 per \$100 of valuation is lower than the effective rate of \$0.805158 per \$100 of valuation, legislation requires City publish the “Notice of 2017 Proposed Tax Rate”, and the notice (attached) was published in the *Cleburne Times-Review* on August 23, 2017.

As a point of reference, the effective tax calculation rate sets the interest and sinking rate (Debt Service rate) at \$0.154880. The remainder of the tax rate of \$0.649138 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the Fiscal Year 2018 tax rate reflects these rates, as required by the effective tax rate calculation.

OR7. AN ORDINANCE ADOPTING A ONE-TIME SENIORITY PAY INCREMENT TO CIVIL SERVICE EMPLOYEES WHO ARE ON THE TOP STEP PLAN FOR THEIR RESPECTIVE RANK ON SEPTEMBER 30, 2017.

Person presenting this item: Debra Powledge, Director of Human Resources

BRIEF: The City Manager desires the civil service to receive a one-time seniority payment to those Civil Service employees who are on the top step on the pay plan for each rank on September 30, 2017. This ordinance should not be construed to increase or alter the step pay plans for the fire or police departments.

OR8. AN ORDINANCE ESTABLISHING THE CLASSIFICATION AND NUMBER OF POSITIONS FOR THE FIREFIGHTERS AND POLICE OFFICERS PURSUANT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE.

Person presenting this item: Debra Powledge, Director of Human Resources

BRIEF: Council has accepted the budget to increase the Firefighters by three (3) positions due to the increasing ambulance service demands. Previously, Council established the intent to eliminate the Police Corporal position through attrition and replace with Police Officers. Through recent employment actions, we have one Corporal position that has been vacated, so we will move forward by eliminating that Corporal positions on our staffing ordinance and replacing it with Police Officers. Finally, the Police Chief has requested that we eliminate a Police Officer position and create a civilian position that will oversee crime statistics.

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: