



**REGULAR CITY COUNCIL MEETING AGENDA**  
**SEPTEMBER 26, 2017**  
**5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET**

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**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 Todd Barham, Hope Church

**III. PLEDGE OF ALLEGIANCE**

**IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

- ☆ Proclamation – National Night Out, October 3, 2017, Chief Severance/Neal Sandlin
- ☆ Presentation – Cleburne Railroaders Inaugural Season, Robbie Fenyes
- ☆ Presentation – Public Works Construction Projects, Keith Fisher

**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.

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**CONSENT ITEMS**

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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 SEPTEMBER 12, 2017 COUNCIL MEETING.**

**RS1. A RESOLUTION AUTHORIZING THE RENEWAL OF AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR THEIR ANNUAL CONTRIBUTION TO CITY/COUNTY TRANSPORTATION, SECTION 5311 PROGRAM.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** City/County Transportation wishes to renew its annual Interlocal Agreement with Johnson County for their annual contribution to the program. The County requested in December 2011 to enter into an Interlocal Agreement with the City of Cleburne each year, since the annual contribution is based on population, and is subject to fluctuate due to population changes. Each year, Johnson County contributes funds to the daily operation of City/County Transportation. These funds assist City/County Transportation with the local match portion that is required by our Federal grant funds. Johnson County's annual contribution for Fiscal Year 2018 will be \$53,283.00. Upon approval by City Council, the signed Interlocal Agreement will be submitted to Johnson County Commissioners' Court for inclusion on their agenda for approval and execution at the next Commissioners' Court meeting immediately following their receipt of the signed Agreement.

**OR1. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017 (#2) BY APPROVING CITY MANAGER'S LINE ITEM BUDGET TRANSFERS.**

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.

Attached is the list of intradepartmental transfers with supporting Departmental Line Item Budget Transfer Request forms for the month of September 2017 deemed appropriate to be made by the City Manager for City Council approval.

**OR2. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017 (#3) BY APPROVING FISCAL YEAR-END ADJUSTMENTS.**

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Per Section 8.2 of the City of Cleburne Charter, Transfer of Appropriations “The City Manager may at any time with the approval of the 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.” As a fiscal year end adjustment, the City Manager is proposing to transfer projected unspent expenditure balances to cover expenditures greater than the adopted line item budget for various departments. Transfers within the various General Fund budget line items (see attached Budget Adjustment form) are proposed to cover various expenditure overruns that occurred due to operational situations. There are various departments that had position vacancies during the fiscal year, which yielded sufficient savings in departments to cover most of the expenditure overruns in Non-Departmental. Also, due to the project timeline for the City Hall elevator modernization extending into the next fiscal year, the cost of this project that was approved by Council on September 12, 2017 will be transferred to the Capital Projects Fund (Fund 53) from the Building Maintenance Department line item account Maintenance & Repair – Structures 0161-8419. A final item is the transfer to the Capital Projects Fund (Fund 53) from the Conference Center line item account Minor Equipment 0162-8364 in the amount of \$48,346 to the Capital Projects Fund (Fund 53) for the purchase of tables and chairs approved by City Council on August 8, 2017 that will arrive in October due to delivery issues from the vendor.

The primary reasons for operational overruns by department during the current fiscal year are as follows:

- Non-Departmental – Payment of unused vacation and sick time for retirements and resignations of long term staff members.
- Transfer to General Capital Projects Fund (Fund 53) – Funding for projects included in the current year General Fund budget that will be completed in future years: City Hall Elevator modernization (\$68,984) and the purchase of Conference Center tables and chairs in the amount of \$48,346 bringing the transfer total to \$117,330.

Also, to preserve unspent street maintenance funds appropriated in the Fiscal Year 2016-2017 General Fund budget for future street maintenance needs, the proposed ordinance contains a provisions that the City Manager is authorized to transfer the unspent balance of Street Department account 0179-8467 Maintenance and Repair – Streets, Curbs and Alleys to the General Capital Projects Fund (Fund 53) for future street repair projects

At the September 12, 2017 meeting, City Council adopted Resolution RS09-2017-66 supporting the Hurricane Harvey relief efforts and authorized the City Manager to allocate City resources and assistance to the City of Ingleside, Texas and other coastal communities and the Fire Department sent firefighters and an engine during the month of September to aid the relief efforts and a budget amendment in the amount of \$272,612 for salaries, benefits and travel expenditures of those participating firefighters and it is anticipated that future reimbursement from the Federal Emergency Management Agency will cover a portion of these expenditures while that amount is not quantifiable at this time.

As there are sufficient savings in various departments that had position vacancies during the fiscal year and operational expenditure savings, which yielded sufficient savings in funds to cover the expenditure overruns and the transfer to Fund 53 for the elevator modernization and unspent street maintenance funds, and the total additional appropriation for Hurricane Harvey relief efforts is therefore the adjustment is \$272,612 to the overall General Fund budget total.

**OR3. AN ORDINANCE RESCINDING ORDINANCE #OR07-2011-35 AND CHANGING THE NAME OF THE LEASED EQUIPMENT FUND TO THE VEHICLE REPLACEMENT FUND AND LIMITING THE USE OF THE FUND TO THE REPLACEMENT OF VEHICLES THAT EXIST WITHIN THE CURRENT VEHICLE FLEET.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** In July 2011, an ordinance was adopted establishing a vehicle replacement fund from the General Fund and naming it the Leased Equipment Fund (Fund 03). Per the ordinance, the Fund would be used for new and replacement vehicles and the source of funding would be “lease payments from the General Fund at a rate that is determined each year by the budget adopted by the City Council”. As was discussed with City Council at the August 15, 2017 budget work session, it is proposed to rename the current Leased Equipment Fund as the Vehicle Replacement Fund and to only use the funding provided from transfers to the Fund (vehicle depreciation replacement payments) for the replacement of vehicles that are in the existing fleet. New vehicles would be considered as a part of the budget process with General Fund providing the appropriation resource to purchase the vehicle. This name change and process change would be effective October 1, 2017.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2017.**

Person presenting this item: Terry Leake, Director of Finance

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**RESOLUTIONS**

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**RS2. A RESOLUTION APPROVING THE BOUNDARIES OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM TO ENCOMPASS MAIN ST FROM US HWY 67 TO COUNTRY CLUB RD AND HENDERSON ST FROM ALVARADO ST TO NOLAN RIVER RD.**

Person presenting this item: Grady Easdon, Economic Development Manager

**BRIEF:** For the last two years, the City of Cleburne has had a Façade Improvement Matching Incentive program in place specifically for businesses located in the immediate historic downtown area. This program will offer to business owners a dollar per dollar match for exterior, street-facing façade improvements up to a maximum of \$5,000 per business per 12-month period. On September 12, 2017, City Council approved the fiscal year 2018 budget which included \$30,000 to continue and expand the Façade Improvement Matching Incentive program. This is an increase of \$10,000 over last year’s budget for this line item. Based on staff recommendation and Council direction to proceed, the proposed resolution seeks to expand the scope of this program by offering these same incentives to businesses that are located along the city’s main travel and retail corridors, Main Street and Henderson Street. This program encourages owners to invest in the enhancement of the exterior, street-facing appearance of their properties in an effort to enhance the economic viability of commercial and retail businesses in Cleburne.

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**ORDINANCES**

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**OR4. \*PUBLIC HEARING\* AN ORDINANCE REZONING 5709 CR 1228 (BEING 10.534 ACRES IN THE JW ARMSTRONG SURVEY) FROM IH (INTERIM HOLDING DISTRICT) TO A (AGRICULTURAL DISTRICT), AS REQUESTED BY JOHN AND ANGELA PIPES.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** The Planning and Zoning Commission considered this at its September 11, 2017 meeting. The property is currently undeveloped and the surrounding development pattern in the area is predominantly single family homes on large tracts of land. The applicants proposed use is to build a new single family home with a small farm. Therefore, the request to rezone the property from IH to Agriculture is consistent and compatible with the existing conditions within the area. The Comprehensive Land Use Plan shows this area to be Sustainable Community and Future TND District. P&Z recommended approval of the rezone with a vote of 5-0.

**OR5. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.015 (A) "BUILDING CODES ADOPTED" BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Building Code with their recommended amendments, to be in uniform with the International Energy Conservation Code. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR6. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.015 (B) "BUILDING CODES ADOPTED" BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Residential Code with their recommended amendments, to be in uniform with the International Energy Conservation Code. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR7. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.015 (C) "BUILDING CODES ADOPTED" BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE WITH RECOMMENDED AMENDMENTS GUIDE AND METHODOLOGY.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Energy Conservation Code with their recommended amendments. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR8. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, ADDING SECTION 150.015 (D) "BUILDING CODES ADOPTED" BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Existing Building Code with their recommended amendments, to be in uniform with other recommended adopted building codes. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018 Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR9. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.017 "AMENDMENTS TO THE UNIFORM BUILDING CODE" BY DELETING IT IN ITS ENTIRETY FROM THE CODE OF ORDINANCES.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** This code no longer exists. This will eliminate confusion with the adopted codes.

**OR10. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.030 "MECHANICAL CODE ADOPTED" BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Mechanical Code with their

recommended amendments. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR11. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.035 “FUEL GAS CODE ADOPTED” BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FUEL GAS CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Fuel Gas Code with their recommended amendments, to be in uniform with International Building Code. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR12. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.041 “PLUMBING CODE ADOPTED” BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code (IECC). Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Plumbing Code with their recommended amendments, to be in uniform with International Building Codes. Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR13. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, SECTION 150.057 “NATIONAL ELECTRICAL CODE ADOPTED” BY ADOPTING THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Shane Pace, Community Development Director

**BRIEF:** The North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2017 National Electrical Code, with their recommended amendments to be in alignment with the IECC. Also this adoption is recommended by the Texas Department of License and Regulation (TDLR). Staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1,



2018. Staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

**OR14. AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 93: FIRE PROTECTION AND PREVENTION, SECTION 93.13 “CODES AND STANDARDS ADOPTED” BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE WITH RECOMMENDED AMENDMENTS.**

Person presenting this item: Clint Ishmael, Fire Chief

**BRIEF:** The City currently utilizes the 2012 International Fire Code to mitigate property risks associated with fire and other life safety hazards. The International Code Council (ICC) revises the codes every three years with minor changes to ensure the codes are relevant to current building practices, materials and potential threats associated with occupancies or properties. The Fire Department has reviewed the 2015 International Fire Code and has recommended amendments that better reflect local practices and community standards. Staff recommends adopting the 2015 International Fire Code with suggested amendments.

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**EXECUTIVE SESSION**

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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.

- 1) Pending or threatened EEOC or Texas Workforce Commission complaints and corresponding settlement negotiations concerning current or former employees
- 2) Pending litigation and a settlement offer in *Samantha Baldwin v. City of Cleburne*, Cause No. DC-C201700338 in the 249<sup>th</sup> District Court of Johnson County

**B. § 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting.** This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- 1) Update on retail and commercial economic development activity at Cleburne Station



Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

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**ADJOURNMENT**

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**ADJOURNED AT:**