



REGULAR CITY COUNCIL MEETING AGENDA

JANUARY 9, 2018

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

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Presentation – STARS Award for November 2017 – Paul Tatum, Sanitation Department

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 DECEMBER 12, 2017 COUNCIL

MEETING.

RS1. A RESOLUTION AUTHORIZING RENEWAL OF AMBULANCE SERVICE PERMIT FOR 2018 TO CAREFLITE.

Person presenting this item: Clint Ishmael, Fire Chief

BRIEF: Careflite is requesting renewal of the operations permit to provide ambulance services within the City of Cleburne. They have satisfied all requirements for their 2018 renewal.

RS2. A RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH TARRANT COUNTY PUBLIC HEALTH PROVIDING TRANSPORTATION SERVICES.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Tarrant County Public Health proposes to renew the annual contract to provide transportation services for their clients that reside in the City/County Transportation service area. City/County Transportation will charge Tarrant County Public Health \$40.00 per one-way trip leaving Johnson County (\$80.00 per round trip) and \$12.00 per one-way trip for all trips that remain within Johnson County (\$24.00 per round trip). The term of the contract will be February 1, 2018 - January 31, 2019. All previous terms of the contract remain unchanged from the 2017 contract. Tarrant County Commissioner's Court will consider this agreement for approval after its approval by the Cleburne City Council.

RS3. A RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTION OF IMPACT FEE CALCULATIONS, BENCHMARKING CONSIDERATIONS AND RECOMMENDATION OF IMPACT FEE RATE FOR ROADWAYS, SANITARY SEWER AND WATER WITHIN THE CITY.

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

BRIEF: This resolution is part of the water, wastewater and roadway impact fees creation process. A public hearing will be held on February 13, 2018 for the adoption of the roadway, water and wastewater impact fees and to receive additional public input.

OR1. AN ORDINANCE AMENDING THE 2018 ANNUAL BUDGET (#2) BY AUTHORIZING THE CITY MANAGER TO MAKE LINE ITEM BUDGET TRANSFERS WITHIN VARIOUS DEPARTMENTAL 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 by resolution 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 January 2018 deemed appropriate to be made by the City Manager for City Council approval.

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

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS4. A RESOLUTION AUTHORIZING AGREEMENT WITH WESTHILL CONSTRUCTION INC UTILIZING THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH TO REPAIR PAVEMENT AND CURBING DAMAGED BY UTILITY REPAIR CREWS WITHIN THE CITY FOR A TOTAL AMOUNT NOT TO EXCEED \$130,000.00.

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

BRIEF: This is an agreement between the City of Cleburne and Westhill Construction Inc. to repair pavement and curbing damaged by utility repair crews within the City. This agreement is to provide prompt repair of roadways. Through the attached interlocal agreement with the City of Fort Worth, the City is utilizing their bid contract with Westhill Construction and the unit process contained within their contract so all state bidding requirements have been met. Funding for this agreement will be sourced from the M&R – Streets, Curbs, and Alley accounts of Water Distribution, Wastewater Collections, and Street Maintenance.

RS5. A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FOR THE CONSTRUCTION PHASE OF THE HANGAR 1000 APRON RECONSTRUCTION PROJECT AT THE CLEBURNE REGIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED \$507,254.00 TO BE PERFORMED BY JAY MILLS CONTRACTING, INC AND ADMINISTERED BY TXDOT.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: On December 12, 2017, bids were received for the Hangar 1000 Apron Reconstruction project. A tabulation of the bids shows Jay Mills Contracting, Inc. to be the low bid. The total bid including both additive alternates with a ten percent contingency on the base bid and both bid additive alternates is \$507,254.00, of which the City's portion is approximately 73% of the total bid cost. There are additional project costs for engineering design, testing and other construction related services that total \$94,150, and the City will be responsible for paying 73% of those costs. Per the attached Engineer's Estimate of Probable Cost and Bidding Breakdown, the amount of the engineering and construction project cost that is eligible for funding by FAA Non-Primary Entitlement Funds is \$162,226.50. The FAA Non-Primary Entitlement Funds grant provides 90% of the funding (\$146,003.85), and the City is responsible for a ten percent cost match (\$16,222.65). The non-eligible project cost is \$439,177.50, bringing the City's total project funding responsibility to \$455,400.15, which includes the ten percent match of project eligible costs. This dollar amount is below the budgeted amount of \$493,000.00, which was authorized by the interfund loan.

Council approved the use of non-primary entitlement funds at the January 10, 2017 council meeting and an interfund loan from water/wastewater utility fund at the November 14, 2017 council meeting to fund this project.

Council approved a contract with Texas Department of Transportation on October 11, 2016 (Resolution #RS10-2016-79) for the coordination of this project and so they will administer the contract with Jay Mills Contracting for the construction phase of this project.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 1.82 ACRES (LOCATED AT 201 AND 205 W HARRELL ST) FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO C2 (GENERAL BUSINESS DISTRICT); AS REQUESTED BY JOHNSON COUNTY.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to accommodate a future maintenance shop for Johnson County Public Works. The subject property is currently undeveloped and the surrounding land uses are both commercial and limited residential. The Comprehensive Land Use Plan designates the subject properties as Downtown TDA and Preservation districts. Institutional/Civic land uses are appropriate within both land use districts. P&Z considered this item at the October 23, 2017 meeting and recommended approval by a vote of 4-2.

At the November 14, 2017 City Council meeting, the Council moved to continue the public hearing to the December 12, 2017 meeting to allow the applicant to provide additional information. At the December 12 meeting, the City Council, at the request of the applicant, moved to continue the public hearing to the January 9, 2018 meeting.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 0.8617 ACRE TRACT (LOCATED AT 206 WESTHILL DR, 205 W EARL ST, 703-705 S HILLSBORO ST AND 704 S MILL ST) FROM C1 (LOCAL BUSINESS DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO M1 (LIGHT INDUSTRIAL DISTRICT); AS REQUESTED BY JOHNNIE MAE BRADDOCK, REPRESENTED BY CHAD NORRIS.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to rezone with the intent to construct self-storage warehouses. The Comprehensive Land Use Plan shows this area to be in the Downtown Targeted Development Area (TDA) District. The proposed request to Light Industrial is not an appropriate use in the Downtown TDA District. P&Z considered this item at the November 27, 2017 meeting and recommended approval by a vote of 4-0.

At the December 12, 2017 City Council meeting, Council moved to continue the public hearing for this item to the January 9, 2018 meeting to allow the applicant to provide additional information. Staff has not received any additional information or materials from the applicant to date.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 3.08 ACRES LOCATED AT 659 WOODARD AVE AND 1102 WILLIAMS AVE FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND CO (NON-RETAIL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY JOHN WILCOX,

REPRESENTED BY BRIAN FORRESTER, CASE ZC17-019.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This request is to accommodate construction of 26 duplexes with a total of 52 individual units, and four multiple bay single-car garages. The applicant has provided a Development Plan which includes detailed development standards, building elevations, aesthetic features, conceptual site plan, and conceptual utility plan.

The applicant has requested a Planned Development (PD) to allow deviations from the standard Duplex zoning district regulations. The applicant is requesting a reduced rear yard setback on Lots 1 and 3 of the addition between Buildings 6 and 7. The required rear yard setback is 20 feet. The applicant is requesting a reduction to six feet, nine inches (6'9"). The applicant contends, given the proposed configuration, the setbacks function as a side yard rather than a rear yard. The proposed total distance between structures at this location will be 13 feet, six inches (13'6").

The Comprehensive Land Use Plan shows this area to be primarily located within the City Center North District. Multi-Family uses are not considered appropriate in this district. A small portion of the property is located within the Traditional Neighborhoods District. Multi-Family land uses may be considered in this district as a Specially Permitted Use.

The Planning and Zoning Commission considered this request at their December 11, 2017 meeting and recommended approval by a vote of 3-2.

OR5. AN ORDINANCE GRANTING REQUEST FOR AN EIGHT FOOT ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY ON THE WEST SIDEWALK OF NORTH ROBINSON STREET, ABUTTING LOT 7, BLOCK 17, ORIGINAL CLEBURNE, ALSO KNOWN AS 216 EAST HENDERSON STREET, AS REQUESTED BY TOM BURKETT.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to encroach eight-feet into the public right-of-way along the west side of North Robinson Street. The request has been made to facilitate a second point of egress, from the second floor of the building. The applicant is currently performing a major renovation to the second floor of the building, which is currently known as the Red Horse Antiques. Given the proposed use and occupancy classification for the second floor, 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 switchback style staircase which will be a total of eight-feet wide, with a four-foot landing on the sidewalk. The remaining four-feet of the encroachment will be an elevated landing seven-feet above the sidewalk. The proposed staircase also includes multiple support poles located eight-feet from the existing building. The location and size of the staircase will maintain the required four-feet, ADA clearance along the existing sidewalk.

Staff has reviewed the request, and has no issues or concerns with the proposed location of the staircase, or the requested encroachment into the right-of-way.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE REPLAT OF LOT 1R1 AND LOT 1R2, BLOCK 1 OF THE LAKEVIEW ESTATES, SECTION ONE ADDITION, BEING A REPLAT OF 11.399 ACRE TRACT OF LAND LOCATED AT 2116 WOODARD AVE; AS REQUESTED BY BROOKS SMITH, CASE PC17-032.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to subdivide one existing lot into two for future residential development. Lot 1R1 currently has an existing single-family home and the Lot 1R2 is proposed to be the future site of a new single-family residential home. The Comprehensive Land Use Plan designates the subject property as Transportation and Industry district. The plat as presented complies with all requirements of the zoning and subdivision ordinance. The Planning and Zoning Commission considered this request at their December 11, 2017 meeting and recommended approval by a vote of 5-0.

OC3. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, CRUMP ADDITION, BEING A 0.22 ACRE TRACT, LOCATED AT 608 COLLEGE ST; AS REQUESTED BY HAROLD & SUE CRUMP, CASE PC17-040.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This is a request to final plat one existing residential lot with the intent to construct a new carport on the subject property. The Comprehensive Land Use Plan designates the subject property as Preservation district. The plat as presented complies with all requirements of the zoning and subdivision ordinance. The Planning and Zoning Commission is to consider this request at their January 8, 2017 meeting.

OC4. APPROVE PRELIMINARY PLAT OF BLOCKS 1-18, BELCLAIRE ADDITION, BEING 100.333 ACRE TRACT OF LAND LOCATED IN THE JOHN SCHROEDER AND ANDREW PETERS SURVEYS; AS REQUESTED BY CHRISTOPHER SAWICKI, REPRESENTED BY MARK ALLEN, CASE PC17-042.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This preliminary plat proposes to create 347 single-family residential lots, and 11 private open-space lots, built in two phases, and known as the Belclaire Addition. The applicant has requested two waivers from the current zoning regulations for this plat:

1. Reduce the required front setback from 30 feet to 20 feet.
2. Locate a ten-foot utility easement within the front yard setback. The current regulations require an eight-foot easement along all property lines. The applicant is proposing to locate all utilities within the front yard easement.

The plat as presented complies with all other requirements of the zoning and subdivision ordinance. The subject property is currently zoned SF-4 (Single-family Dwelling District) and the Comprehensive Land Use Plan shows this area to be Community Commercial and Village Districts. The Planning and Zoning Commission considered this request at their December 11, 2017 meeting and recommended approval by a vote of 3-2.

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: