



REGULAR CITY COUNCIL MEETING AGENDA
JANUARY 23, 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 by Reverend J.D. Wright, North Cleburne Church of Christ

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – Economic Development Quarterly Report – Grady Easdon, Director of Economic Development
- ☆ Presentation – Racial Profiling Annual Report for 2017 – Rob Severance, Chief of Police

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 JANUARY 9, 2018 COUNCIL MEETING.

OR1. AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD ON MAY 5, 2018, IN THE CITY OF CLEBURNE, TEXAS, AND A RUN-OFF ELECTION SHOULD SAME BE REQUIRED, ON JUNE 16, 2018, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS ONE AND FOUR.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: This Ordinance constitutes the official order and calling of a General Election for the City of Cleburne, Texas, to be held on the first Saturday in May, which is May 5, 2018. This election will be held for the purpose of electing a Mayor and Councilmembers for Single Member Districts One and Four. This ordinance establishes, among other things, polling locations and times, precinct judges and their compensation. The City and CISD elections will be held as a combined election to maintain consistency and accessibility in voting practices, polling places and procedures to best accommodate the voters in both jurisdictions. The total cost will be shared 50/50 and CISD will compensate the City for conducting the election with a 7.5% administration fee. Should the City require a runoff election, the City's portion of another election will be 100%.

OC1. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, MI TESORO ADDITION, BEING A 0.707 ACRE TRACT LOCATED AT 1609 S MAIN ST; AS REQUESTED BY DAVID AND SUSAN BETHARDS.

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

BRIEF: This is a request to plat one lot for future commercial development. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned M1 (Light Industrial District) and the Comprehensive Land Use Plan shows this area to be in the Community Commercial District. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

RESOLUTIONS

RS1. A RESOLUTION TO ESTABLISH A DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM FOR BUILDINGS LOCATED IN THE DOWNTOWN HISTORIC COMMERCIAL DISTRICT.

Person presenting this item: Grady Easdon, Director of Economic Development

BRIEF: As one component of the City of Cleburne's Strategic Plan for fiscal year 2018, a line item for \$50,000 was allocated to an economic development program that would encourage downtown building owners to invest in repairs, upgrades, and enhancements in the form of a matching incentive of 50% of the cost of eligible building repairs up to a maximum of \$25,000 per 12-month period per building owner. Building owners with multiple tenants would be eligible for one incentive per 12-month period from completion of any previous project under this program. Based on staff recommendation and Council direction to proceed, this resolution seeks to serve as a catalyst for increased downtown economic development. Although this program is primarily geared toward assisting downtown building owners with financial assistance to help offset the high cost of

rehabilitating these older structures, the program may accelerate the rehabilitation of buildings that have fallen into various states of disrepair, and could potentially attract new business owners to the downtown area due to availability of these incentives.

RS2. A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH GARZA GROUP, LLC UNDER THE TERMS OF THE FAÇADE IMPROVEMENT INCENTIVE PROGRAM.

Person presenting this item: Grady Easdon, Director of Economic Development

BRIEF: Garza Group, LLC has submitted an application under the terms of the City's Façade Improvement program seeking to perform upgrades and enhancements to exterior street-facing facades on their recently-purchased building located at 214 E. Chambers St. Some of the upgrades include redesigning the front entrance, redesigning and adding new windows and architectural elements, and repainting the facade. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is \$28,112.93; therefore \$5,000 would be the maximum match by the City. Funding for the Façade Improvement Economic Development Incentive Program was approved during the September 12, 2017 meeting of the City Council. Total funding for this program for Fiscal Year 2018 is \$30,000.

RS3. A RESOLUTION AUTHORIZING 380 ECONOMIC DEVELOPMENT AGREEMENT WITH TROVATO, LLC UNDER THE TERMS OF THE FAÇADE IMPROVEMENT INCENTIVE PROGRAM.

Person presenting this item: Grady Easdon, Director of Economic Development

BRIEF: Trovato, LLC has submitted an application under the terms of the City's Façade Improvement program seeking to perform upgrades and enhancements to exterior street-facing facades on their recently-purchased building located at 106 East Henderson Street in the Downtown Historic Commercial District. Improvement upgrades include priming exterior walls and then repainting the façade with an elastomeric coating. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project is \$21,166.00; therefore \$5,000 would be the maximum match by the City. Funding for the Façade Improvement Economic Development Incentive Program was approved during the September 12, 2017 meeting of the City Council. Total funding for this program for Fiscal Year 2018 is \$30,000.

RS4. A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BELLE LAGOS, LLC THROUGH THE RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM.

Person presenting this item: Grady Easdon, Director of Economic Development

BRIEF: This is a proposed amendment to a Chapter 380 Agreement ("Agreement") made in September of 2016 with Belle Lagos, LLC. The 380 Agreement set out conditions for incentives granted as part of the City's 1,000 Home program. Belle Lagos Phase I is a 51-lot development located west of South Nolan River Road and at the west end of Westhill Drive. The developer indicated that they were delayed in the project due to their inability to complete construction of infrastructure. The developer stated that they had to procure special equipment in order to excavate through layers of solid rock, and that they also encountered difficulty in getting the 3-phase electrical

for Total's (formerly Chesapeake) abutting gas well pad site relocated. As a result of these delays, no homes have been constructed. The original agreement stipulated that 20 homes must be completed by December 31, 2017, followed by a total of 40 completed in 2018 and a total of 51 completed in 2019 in order to be eligible for incentives under the 1,000 Home program. The proposed amendment to the Agreement would modify the minimum number of homes completed from 20 homes by December 31, 2017 to 30 homes by December 31, 2018. The amendment also stipulates that the term of the amended agreement will be four (4) years, with all construction of phase I being completed by December 31, 2019. The new term coincides with the expiration term of the original agreement, which was five (5) years.

RS5. A RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PERMIT TO PDK TRANSPORTATION, LLC FOR PROVIDING TRANSPORTATION SERVICES FOR HIRE IN THE CITY OF CLEBURNE.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: PDK Transportation LLC has submitted an application for a permit to operate a transportation business in Cleburne. The business plan explains that the service will be offered to the public on either a monthly subscription or one-time reservation basis. A household of 2 may purchase a 6-month subscription for \$150 per month and by making a reservation ahead of time and subject to availability, the service will be available to them during the week (Sunday thru Thursday) as many times as they choose. Friday and Saturday will be reserved for normal limo service according to the fee schedule (\$140/hour with 2-hour minimum) and to the subscriber at a 50% discount. The vehicle to be utilized is a Ram Promaster 3500 Series van converted into a 12-passenger executive limo van. PDK has already received positive feedback for the subscription program but will need 40± households to secure the \$150 rate. A rate of \$200 will be offered if there are 30 subscribers. If there is not enough interest for this program, PDK plans to utilize the vehicle as a normal limo service. Title XI: Business Regulations, Chapter 117 of the Code of Ordinance regulates taxis and buses. Some provisions in the code do not apply to a reservation-type transportation service, however, the applicant has complied with all the relevant requirements. Once the permit is authorized by Council, the applicant will provide proof of liability insurance and vehicle inspection. This is an annual permit to be effective through December 31, 2018.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 0.5284 ACRES LOCATED AT 1407 CHASE AVE FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY THE GARZA GROUP.

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

BRIEF: The applicant has requested to rezone approximately 0.5 acres from the M1 district to the SF-4 district with the intent to construct three single-family residential homes on the subject property. The comprehensive land use plan designates the subject property as both Village and City Center East districts. The proposed land use is listed as an appropriate use in both land use districts. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 1.57 ACRES LOCATED AT 1528 CR 904 FROM IH (INTERIM HOLDING DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY EDUARDO DIAZ, REPRESENTED BY BARBARITA DIAZ.

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

BRIEF: The applicant has requested to rezone approximately 1.5 acres from the IH district to the SF-4 district with the intent to construct one single-family residential home on the subject property. The comprehensive land use plan designates the subject property as Community Commercial district. The proposed land use is not listed as an appropriate use in this district. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

OR4. AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ON FM4 (NEAR MARTI ELEMENTARY) FROM 55MPH TO 45MPH; AS REQUESTED BY THE CITY OF CLEBURNE AND TXDOT.

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

BRIEF: The City of Cleburne requested that TxDOT conduct a speed study of FM 4 from the Cleburne City limits. TxDOT conducted a traffic study of the area and will be reducing the speed limit from the current 55 mph to 45 mph. The section is 0.903 miles in length from MP 13.560 to MP 14.463.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE REPLAT OF LOT 19R, BLOCK 818, BELLEVUE PLACE ADDITION, BEING 0.457 ACRE TRACT LOCATED AT 314 BELLEVUE DR; AS REQUESTED BY MATTHEW HOOD.

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

BRIEF: This is a request to replat one lot for an existing residential home. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned SF-4 – Single-Family Dwelling District, and the Comprehensive Land Use Plan shows this area to be in the Preservation District. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

OC3. *PUBLIC HEARING* APPROVE REPLAT OF LOT 3R, BLOCK 1, WILLOWCREEK ADDITION, BEING 0.310 ACRE TRACT LOCATED AT 803 BERKLEY DR; AS REQUESTED BY BLAKLEE & TAMARA HANNA.

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

BRIEF: This is a request to replat one lot for an existing residential home. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned SF-4 – Single-Family Dwelling District, and the Comprehensive Land Use Plan shows this area to be City Center West District. The applicant is requesting a plat waiver for a reduction of the utility easement on the south property line from eight feet to 4 feet. Staff has reviewed the request and has no concerns or

objections to the waiver request. The applicant has supplied documentation stating that no utilities are located within the easement. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

OC4. APPROVE FINAL PLAT OF LOT 2, BLOCK 1, WILSON MEADOWS ADDITION, BEING A 2.001 ACRE TRACT IN THE ETJ, JAMES M. HENSLEY SURVEY; AS REQUESTED BY BEN WILSON.

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

BRIEF: This is a request to plat one lot for the construction of one single family residential home in the City's extraterritorial jurisdiction. This plat meets all platting requirements set in the City's Ordinance. The Comprehensive Land Use Plan shows this area to be in the Future Traditional Neighborhood District. The Planning and Zoning Commission is to consider this request at their January 22, 2017 meeting.

OC5. APPROVE FINAL PLAT OF LOTS 1-10, BLOCK A, GARZA ESTATES I, BEING A 5.0 ACRE TRACT LOCATED AT THE SOUTHEAST CORNER OF BOONE STREET AND BLAKNEY STREET; AS REQUESTED BY GARZA GROUP DEVELOPMENT.

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

BRIEF: This is a request to plat ten lots for new residential homes. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned SF-4 Single-Family Dwelling District, and the Comprehensive Land Use Plan shows this area to be in the Traditional Neighborhoods District. The applicant is requesting a plat waiver for the installation of curb and gutter, sidewalks, and street paving improvements on Blakney Street. Staff has reviewed this request and has no concerns or objections. The Planning and Zoning Commission considered this request at their January 8, 2017 meeting and recommended approval by a vote of 6-0.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Review of impact fees calculations, benchmarking consideration and recommendation of impact fee rate

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). **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.