



**REGULAR CITY COUNCIL MEETING AGENDA**  
**FEBRUARY 13, 2018**  
**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**

- ☆ STARS Award for December 2018 – Mark Zelder, Airport Department
- ☆ Proclamation – Plaza Theatre Company Day, February 15, 2018
- ☆ Certificate of Recognition to Cleburne High School students for competing in YMCA Youth and Government competition
- ☆ Certificate of Recognition - Noelle Mitchell, Cleburne High School
- ☆ Certificate of Recognition for retirement of Fire Chief Clint Ishmael

**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 January 23, 2018 Council Meeting.**

**RS1. A Resolution Adopting The 2018 Prevailing Wage Rates For Public Works Construction Projects.**

Person presenting this item: Terry Leake, Director of Finance

**BRIEF:** Chapter 2258 of the Texas Government Code states that a worker employed on a public work by a municipality shall be paid not less than the current prevailing rate of wages for work of a similar character in the locality in which the work is performed. The Department of Labor in accordance with the Davis-Bacon Act performs regular surveys to determine the current prevailing wage rates. Updated survey results for Johnson County, Texas were issued by the Department of Labor for 2018 and are included in the backup.

**RS2. A Resolution Accepting The City Of Cleburne's Investment Report For Quarter Ending December 31, 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 that ended December 31, 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. As of December 31, 2017, there was \$66,253,256 invested in the four pools with total quarterly interest income of \$195,277. The percentage allocation by investment pool at December 31, 2017 is LOGIC: 41.7%, Texas Class: 12.1%, TexPool: 11.1%, and TexSTAR: 35.1%.

**OR1. An Ordinance Amending The Annual Budget For Fiscal Year October 1, 2017 To September 30, 2018 (#3) 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 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.

The intradepartmental transfers are detailed in the backup and are for the month of February 2018 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, 2017 To September 30, 2018 (#4) General Fund, By Allocating \$39,000 From Non-Departmental Professional Services (0139-8664) To Public Works Personnel Salaries/Benefits (0171) To Provide Partial Funding For A Director Of Utilities And Streets Position.**

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, by resolution, transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.”

Due to recent staffing changes and the corresponding opportunity to strengthen our service levels, the City Manager is proposing to transfer projected unspent expenditure balances to fund organizational changes with the Department of Public Works. The proposed changes would eliminate a position, upgrade several others and create a new position entitled Director of Utilities and Streets. Given the overall size, complexity and impact within our community as it relates to essential services (water, sewer, sanitation, streets) dividing the responsibilities of the department into two separate categories, operations and engineering/administration, will provide a greater opportunity for expeditious and sustainable improvement of our infrastructure. Other benefits include a more manageable span of control and the start of our succession planning.

Funding for the new position will be allocated 65% from the Water/Wastewater Fund and 35% from the General Fund. For the Fiscal Year 2018 General Fund allocation funding, a transfer of \$39,000 from General Fund Non-Departmental (Department 39) Professional Services (account 0139-8664) to Public Works (Department 71) for salaries and benefits is proposed. The Water/Wastewater Fund allocation of funding will be derived from savings from the elimination of the Water/Wastewater Superintendent position. In future fiscal years, the ongoing funding for this position will be derived from the aforementioned savings coupled with savings from organizational efficiencies within the Public Works area.

**OC1. Approve Final Plat Of Lot 1, Block 1, Eduardo’s Addition (Being 1.57 Acre Tract Located At 1528 Cr 904); As Requested By Eduardo Diaz, Represented By Barbarita Diaz.**

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

**BRIEF:** This is a request to plat one lot for the construction of a single-family residence. This plat meets all platting requirements set in the City’s Ordinance. The subject property is zoned IH (Interim Holding 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 22, 2017 meeting and recommended approval by a vote of 5-0.

**OC2. Approve Final Plat Of Lot 1, Block 1, Sandy’s Subdivision (Located In The City’s**

**Etj And Being 2.614 Acres At The Northeast Corner Of Redbird Ln And Canary Ln); As Requested By James Dwayne Smith.**

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

**BRIEF:** This is a request to plat one lot in the City's extra-territorial 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 Approach Corridor and the Sustainable Community Districts. The Planning and Zoning Commission considered this request at their January 22, 2017 meeting and recommended approval by a vote of 5-0.

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## RESOLUTIONS

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**RS3. A Resolution Authorizing A Downtown Building Rehabilitation Matching Incentive Agreement With Red Horse Antique Mall; As Requested By Tom Burkett.**

Person presenting this item: Grady Easdon, Economic Development Manager

**BRIEF:** Tom Burkett, owner of Red Horse Antique Mall, has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program ("Program") for an amount of \$25,000. Mr. Burkett plans to use these funds toward the purchase and installation of an elevator in the building in order to provide an additional means of access to the second story of the building. Mr. Burkett plans to contract with Thyssen Krupp Elevator for this project at a cost of \$70,000. Under the terms of the Program, matching funds of 50% of total project cost, up to an amount not exceeding \$25,000 would be available if the application is approved.

On September 12, 2017, the Council approved the fiscal year 2018 budget which includes \$50,000 designated for this Program, and on January 23, 2018 the Program was adopted by Council.

**RS4. A Resolution Authorizing A Downtown Building Rehabilitation Matching Incentive Agreement With Trovato, Llc; As Requested Jim & Teresa Ferens.**

Person presenting this item: Grady Easdon, Economic Development Manager

**BRIEF:** Trovato, LLC, whose principals are Jim and Teresa Ferens, has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program ("Program") for an amount of \$20,867. Their plan is to use these funds toward the purchase and installation of a fire warning and suppression system in their building located at 106 E. Henderson St. Total cost of this project is \$41,733.30. Under the terms of the Program, matching funds of 50% of total project cost or \$25,000, whichever is less, would be available if the application is approved. In this case, 50% of the total project cost is \$20,867.00.

On September 12, 2017, the Council approved the fiscal year 2018 budget which includes \$50,000 designated for this Program, and on January 23, 2018 the Program was adopted by Council.

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## ORDINANCES

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**OR3. \*PUBLIC HEARING\***

**An Ordinance Authorizing A Variance To The**

**Installation Of Curb And Gutter For Lot 1r, Block 1, Lakecrest Estates, Phase 1 Located At 2213 Lakeshore Drive; As Requested By Atieh Taskindoust.**

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

**BRIEF:** This is a request to waive the installation of curb & gutter at 2213 Lakeshore Drive. The ordinance requires curb & gutter be installed on all new construction, and the applicant has requested to waive this requirement in conjunction with the construction of a new single-family home. Drainage on this road is currently managed by bar ditches along this stretch of Lakeshore Drive.

**OR4. \*PUBLIC HEARING\* - FIRST READING An Ordinance Providing For The Voluntary Annexation Of Approximately 46 Acres (Located At 3971 And 3969 Weatherford Hwy) And Extending The Boundary Limits Of The City To Include The Described Property In The City Limits.**

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

**BRIEF:** The owners of the subject property entered into a Development Agreement with the City of Cleburne on November 12, 2012. Section Two: (3) of the development agreement states:

“if at any time the Owners file any type of subdivision plat, permit application, or related development document for the area with a governmental entity that has jurisdiction over the Property, regardless of how the Property is appraised for ad valorem tax purposes, that in addition to the City's other remedies, such action will constitute a petition for voluntary annexation by the Owners, and the property will be immediately subject to annexation at the discretion of the City Council. Owners hereby agree that such annexation shall be voluntary”.

On November 21, 2017 City staff received a rezoning application, requesting “Industrial” zoning, or the M1 Light Industrial District, for 41.069 acres of the subject property. Submittal of this application triggered the voluntary annexation proceedings described in Section Two: (3) as described above.

Following submittal of the rezoning request, the property owners also filed a petition for voluntary annexation with the City, requesting that the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code.

Per the terms of the development agreement, the submittal of the rezoning request constitutes annexation of the entire original 46 acre tract of land as described in the development agreement. However, approximately five (5) acres of the original subject property have been sold for residential use since the development agreement was enacted. City staff followed the legal notification requirements by notifying the additional property owners by mail on January 11, 2018. To date, staff has not received any correspondence from the additional property owners.

The City Council is required to hold two public hearings before it may initiate annexation proceedings for the Property. The two public hearings will be held on February 13, 2018 and February 20, 2018. The adoption of the annexation ordinance will take place at the March 13, 2018 meeting.

The zoning request for M1 Light Industrial will be placed on the same agenda as the annexation ordinance on March 13, 2018. The approval or denial of the requested zoning is at the discretion of the City Council.

**OR5. \*PUBLIC HEARING\* An Ordinance Rezoning 0.23 Acres (Located At 508 Madison St) From Sf-4 (Single-Family Dwelling District) To D (Duplex Dwelling District)**

**As Requested By Jocelyn & Todd Morgan.**

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

**BRIEF:** The applicant has requested to rezone approximately 0.23 acres from SF-4 to Duplex with the intent to construct one duplex on the subject property. The Comprehensive Land Use Plan designates the subject property as City Center North 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 3-2.

**OR6. \*PUBLIC HEARING\*      An Ordinance Rezoning 0.15 Acres Located At 1301 Joslin Avenue, From Sf-4 (Single-Family Dwelling District) To D (Duplex Dwelling District); As Requested By Chris & Christie Hames.**

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

**BRIEF:** The applicant has requested to rezone approximately 0.15 acres from SF-4 to Duplex for an existing duplex on the subject property. The Comprehensive Land Use Plan designates the subject property as City Center North 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 5-0.

**OR7. \*PUBLIC HEARING\*      An Ordinance Adopting, Imposing, And Establishing Water, Wastewater, And Roadway Impact Fees On New Development In The City Limits And Extraterritorial Jurisdiction To The Extent Allowed By Law; Adopting Assessment And Collection Rates For Water, Wastewater, And Roadway Impact Fees.**

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

**BRIEF:** The City of Cleburne proposes to assess water, wastewater, and roadway impact fees in accordance with Chapter 395 of the Texas Local Government Code (TLGC). An impact fee is a charge or assessment imposed by a city on new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development.

Please note that impact fees may only be used to construct new capital improvements or to expand existing capital improvements, and may not be used for repairs, maintenance, or modernization of existing capital improvements. Impact fees are charged at the time of building permit for new construction.

Chapter 395 details the procedures used to determine impact fees. First, land use assumptions must be prepared that forecast how residential and employment populations and land uses will change for a 10-year period. These land use assumptions are converted into service units, which are standardized measures of consumption or use, of water, wastewater, and roadway facilities. Once these demands for facilities are determined, capital improvement plans are prepared that identify the supply of new water, wastewater, and roadway facilities necessary to satisfy the demands attributable to growth. The maximum impact fees are then determined by dividing the projected costs for new capital improvements divided by the number of service units.

In 2017, the City of Cleburne contracted with Freese and Nichols, Inc., to prepare a Water, Wastewater, and Roadway Impact Fee Study containing land use assumptions, water,



wastewater, and roadway capital improvements plans, and calculations of the maximum water, wastewater and roadway impact fees. A copy of this report is attached in the ordinance.

The TLGC requires that the land use assumptions, capital improvement plans and maximum impact fee calculations be reviewed by a Capital Improvements Advisory Committee (CIAC). For Cleburne, as similar to most cities, the Planning and Zoning Commission serves as the CIAC. The CIAC reviewed the potential amendments to the land use assumptions and capital improvements plans, and impact fee calculations.

The proposed land use assumptions, capital improvement plans, and maximum impact fee calculations within the Water, Wastewater, and Roadway Impact Fee Study comply with the requirements of Chapter 395 of the TLGC and the City Attorney has reviewed the proposed ordinance. State law requires a collection exemption for plats approved before the effective date. No fees can be collected for building permits issued one year after the effective date of this ordinance.

The Capital Improvements Advisory Committee (CIAC) met on December 18, 2017 and made a recommendation to reduce the amount of assessment to 50% of the maximum allowed by a vote 6-1. The CIAC recommendation would assess roadway, water and wastewater impact fees in accordance with the following: Water: \$1,358 (50% of maximum allowable); Wastewater; \$1,821 (50% of maximum allowable); Roadway: \$1,914 (Average 50% of maximum allowable).

**OR8. An Ordinance Accepting Sealed Bid And Executing Documents Necessary To Convey A Vacant Lot Located At 512 N Brazos Ave.**

Person presenting this item: Denise Jones, Assistant to the City Manager

BRIEF: Request for bids for the sale of a vacant lot located at 512 N Brazos Ave was advertised beginning January 13, 2018. Two sealed bids were received and opened on January 30, 2018. All liens have been released and discharged on October 17, 2017.

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**OTHER COUNCIL MATTERS**

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**OC3. \*PUBLIC HEARING\* Approve Final Plat Of Lot 1 & 2, Block 1, Villegas Addition II (Being 0.37 Acres Located At 1008 Spell Ave); As Requested By Paulo Villegas.**

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

BRIEF: This is a request to plat two lots for two 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 City Center North District. The applicant has requested a waiver to the requirements to install curb, gutter, and sidewalks along the development. The Planning and Zoning Commission considered this request at their January 22, 2017 meeting and recommended approval of the plat with waiver to the sidewalk requirement by a vote of 5-0.

**OC4. City Council Confirmation Of The City Manager's Appointment Of Assistant Fire Chief Scott Lail As Acting Fire Chief Effective February 13, 2018.**

Person presenting this item: Steve Polasek, City Manager

BRIEF: With the impending March 4, 2018 retirement of Fire Chief Clint Ishmael it is necessary

to appoint an acting fire chief to oversee the operations of the Cleburne Fire Department until such time as a permanent chief is appointed. Per the Texas Local Government Code regarding Civil Service, Sec. 143.013, APPOINTMENT AND REMOVAL OF DEPARTMENT HEAD, unless elected, each department head is appointed by the municipality's chief executive and confirmed by the municipality's governing body.

For Council consideration and confirmation, my appointment to the position of Acting Fire Chief is Assistant Chief Scott Lail. Chief Lail has been with the Cleburne Fire Department for over twenty-three years. He has held virtually every rank within the department from firefighter to engineer, lieutenant, battalion chief and assistant chief. Chief Lail has demonstrated a high level of dedication and professionalism throughout his career. I am quite confident in his ability to lead the department through this current transition.

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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) Discuss hangar lease agreement with RT General, LLC

**§ 551.072. Deliberation Regarding Real Property; Closed Meeting** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- 1) Discuss the value of property located at 512 N Brazos Ave

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:**



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



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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.