



REGULAR CITY COUNCIL MEETING AGENDA

MARCH 27, 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 Pastor Donnie Cappers

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Proclamation – **National Telecommunicator's Week**

☆ Presentation – STARS Award for February 2018 – James Randall, WT/WWT

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 **MARCH 13, 2018 COUNCIL MEETING.**

RS1. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING WITH THE CITY OF GRAND PRAIRIE.

BRIEF: The City of Cleburne and the City of Grand Prairie desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by both governmental entities. The City of Cleburne and the City of Grand Prairie will engage in the purchase of items and services that are used by both entities and as jointly agreed upon by the purchasing officers of both entities. As a general rule, the

governmental entity that used the most of a particular commodity or service will be the lead agent in making a joint purchase. Each entity will be responsible for payment of its portion of the proportionate purchase costs directly to the vendor.

RS2. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT AWARD FOR BODY WORN CAMERAS FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION.

BRIEF: Consider Justice Assistance Grant application to the Office of the Governor - Criminal Justice Division for \$37,755 to purchase body worn cameras, storage and video data retrieval equipment for the Police Department. New cameras will replace aging units and will be deployed with officers who perform vehicle stops and respond to calls for service. The data storage and retrieval systems will safeguard video evidence and allow CPD to provide timely information to prosecutors as needed. There is a 20% match required of \$7551, with Office of the Governor funding of \$30,204, for a total project budget of \$37,755

RS3. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT AWARD FOR NIGHT VISION GOGGLES FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR – HOMELAND SECURITY GRANTS DIVISION.

BRIEF: Consider State Homeland Security Program grant application to the Office of the Governor – State Homeland Security Grants Division for \$12,000 to provide for night vision equipment for Cleburne Police Department, SWAT team. No match is required.

RS4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT AWARD FOR TRAINING ROOM EQUIPMENT FOR THE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION.

BRIEF: Consider Justice Assistance Grant application to the Office of the Governor - Criminal Justice Division for \$37,850 to purchase training equipment for the Police Department. Proposed equipment will provide audio visual and multimedia capabilities for a broad range of training events that will benefit department personnel, affiliated agencies, students, and diverse community members. There is no match required for this grant.

OR1. AN ORDINANCE ACCEPTING AN UNSOLICITED BID FOR AND APPROVING THE SALE OF REAL PROPERTY LOCATED AT 1417 S BRAZOS AVENUE, ACQUIRED AT DELINQUENT TAX SALE, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST ASSOCIATED PROPERTY.

BRIEF: City of Cleburne, for itself and the use and benefit of Johnson County, Hill College and the Cleburne ISD acquired title to a certain tract of real estate known as 1417 S Brazos at a Constable's sale held on the 29th day of June, 2015, in Cause No. T201400235, Cleburne ISD vs. Anthony Richardson Section 34.05(a), of the Texas Property Tax Code, authorizes the City of Cleburne by and through its governing body, to conduct a resale of property. It is in the best interest of the City of Cleburne and its taxpayers to return this property to a productive use. Martha Miranda has made an offer to purchase the property for the sum of Eight Thousand Dollars and no cents (\$8,000.00). The city will receive \$639.80 for maintenance costs as well as \$1,756.16 being the City's share of

the property taxes that will be distributed among the taxing entities

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2018.

RESOLUTIONS

RS5. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH BASILEIA, LLC, LOCATED AT 216 EAST CHAMBERS STREET, FOR A FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM REIMBURSEMENT FOR AN AMOUNT NOT TO EXCEED \$5,000.00.

BRIEF: Luma Transportation 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 property located at 216 E. Chambers St. Repairs and upgrades include painting the exterior, repair and remodel the front and side entrances, and installation of new flooring at entrances. 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 \$8,100; therefore \$4,050 would be the maximum match by the City

RS6. A RESOLUTION ACCEPTING THE CLEBURNE PUBLIC LIBRARY FIVE YEAR PLAN.

BRIEF: Approval of the Cleburne Public Library Five Year Plan. This document will provide a framework for the delivery of services and programs for the library for the next five years

RS7. A RESOLUTION AUTHORIZING THE CITY TO ACCEPT A TRANSFER OF \$250,000 IN HOTEL OCCUPANCY TAX REVENUE FUNDS FROM THE CLEBURNE CHAMBER OF COMMERCE.

BRIEF: Currently, the City has an agreement (Resolution RS12-2005-100) with the Cleburne Chamber of Commerce, whereby the City pays the Chamber five and one-half cents out of every seven cents of hotel/motel occupancy tax to be spent on purposes permitted by Chapter 351 of the Tax Code. On March 15, 2018, the Chamber of Commerce at their Board meeting voted unanimously to transfer \$250,000 in Hotel Occupancy Tax (HOT) revenue funds (HOT) funds back to the City. These funds, invested primarily in various CD's, have been sitting for a number of years, and were accumulated during the gas boom era. The City is currently working on several projects whereby HOT funds could be used. The transfer of these funds to the City's Hotel Occupancy Tax Fund (Fund 07) will provide the City the necessary funding to move forward with these projects should Council provide the required approvals

RS8. A RESOLUTION REQUESTING REIMBURSEMENT OF CURB AND GUTTER FEES FOR PROPERTIES LOCATED AT 2009 AND 2011 LAKESHORE DRIVE.

BRIEF: Two citizens are requesting reimbursement of curb and gutter fees in the amount of \$12,388.80 (2011) and \$3,703.40 (2009). Both property owners paid these fees in late 2015. They were given the option of a City Council waiver at the time but instead paid the fees in order to not delay the construction their respective homes

ORDINANCES

OR2. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING, BY REZONING OF 60.423 ACRES, LOCATED IN THE 1800 BLOCK OF W. HENDERSON ST FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT), C2 (GENERAL BUSINESS DISTRICT) & C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) AS REQUESTED BY R.W. GOSSETT REPRESENTED BY TOMMY CANSLER.

BRIEF: The applicant has requested to rezone approximately 60 acres from the SF-4, C2, and C3 zoning districts to the PD (Planned Development District). A PD allows for flexible project design by a developer, while meeting the overall community density and land use goals for the City. This is achieved by allowing the developer to propose customized zoning standards, which may vary from the typical standards in a specific zoning district. A PD will typically include tradeoffs between the developer and the City with the goal, and end result being a development that exceeds the minimum standards of a given zoning district. PDs are commonly used in residential developments. The advantages of a PD are the increased control and discretion by the City, and assurances of the product delivered to the community. The ordinance adopted along with a PD codifies the agreed upon standards for the development, and often times includes great levels of detail.

The applicant has provided Planned Development Conditions (attached) which include detailed development standards, residential product type and design standards, conceptual/illustrative building elevations, aesthetic features such as decorative lighting, landscaping and screening, and a conceptual Zoning Exhibit.

The applicant is proposing to create 246 single-family residential lots ranging between 6,500 - 14,920 square feet, with an average lot area of 7,990 square feet. The table below details the current minimum standards for the SF-4 zoning district and the proposed PD Development Standards. Items in red fall below the minimum standards, and item in bold, exceed the minimum standards.

PD Development Standards		
Description	SF-4 – Minimum Standards	PD – Proposed Standards
Minimum Lot Area (SF)	7000	6500 (44 lots less than 7000 SF)
Minimum Lot Width	60-ft	50-ft / 60-ft
Minimum Lot Depth	116-ft	130-ft / 120-ft
Front Yard Setback	30-ft	25-ft
Rear Yard Setback	20-ft	15-ft
Side Yard Setback	7-ft	5-ft
Side Yard - Adjacent to Street	15-ft	15-ft
Minimum Living Area (SF)	1000	1800

Lot Area: Of the 246 proposed lots, 44 (or 17%) fall below the minimum lot area requirement for the SF-4 zoning district. The remaining 202 lots exceed the minimum 7,000 square foot requirement, with the average exceeding the minimum by 990 square feet.

Lot Width: 129 lots meet the current minimum lot width requirement of the SF-4 zoning district. The remaining 117 lots do not meet the minimum lot width standard. However, 73 of the 117 exceed the minimum lot area.

Lot Depth: The proposed PD standards will exceed the minimum lot depth on all lots by a

minimum of 14 feet.

Front, Rear, Side Yard Setbacks: The applicant has proposed to reduce the front and rear yard setbacks by five feet on all lots within the development. In addition, the proposed PD standards will reduce the side yard setbacks by two feet on all lots.

Minimum Living Area: The proposed PD standards will exceed the minimum living area on all lots by 800 square feet.

Proposed PD Standards Exceeding the Minimum SF-4 Requirements: Community Architectural Standards – The SF-4 zoning district does not contain residential design standards for development within this district. The proposed PD standards include detailed residential design standards to ensure a specific, high quality product is constructed within this development. These standards include a minimum of 90 percent masonry construction, with an alternate design standard allowing a reduction to 50 percent masonry construction with additional design features, such as a covered front porch and other architectural features similar to a craftsman style product.

Landscaping – The SF-4 zoning district does not contain landscaping standards for residential development within this district. The proposed PD standards include minimum landscaping requirements for each residential lot within the development including a minimum number of trees per lot, and specific tree species list. Additionally, the PD standards include a detailed landscape design at the entryway to the development. This aesthetic enhancement has the potential to improve the look of the W. Henderson corridor.

Perimeter Fencing/Screening – The SF-4 zoning district does not require perimeter fencing or screening. The applicant has proposed and provided details for a masonry perimeter screening wall along W. Henderson, and a six-foot wood stained fence along the east and west perimeters of the development.

Homeowners Association – The applicant has proposed the creation of a Homeowners Association which will maintain any common areas, entryway landscaping, common area irrigation, perimeter screening, and perimeter fencing.

Park Fee – The applicant has also proposed a “Park Fee” of \$500.00 per lot to be paid to the City at the time of building permit in lieu of dedication of open space within the development. Acceptance of this fee is at the discretion of the City Council.

The Comprehensive Land Use Plan designates the subject property as Regional Corridor, Villages, and Traditional Neighborhood Districts. Single-family uses are listed as an appropriate use in the Traditional Neighborhood and Village districts. However, single-family uses are not listed as an appropriate land use in the Regional Corridor district.

The Planning and Zoning Commission considered this request at their March 12, 2018 meeting and recommended approval by a vote of 3-2.

OR3. AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF CLEBURNE, JOHNSON COUNTY TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID TOWN; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF CERTAIN OTHER FEES AND CHARGES;.

BRIEF: Atmos Energy currently provides natural gas service to residential and commercial customers within the City of Cleburne. The most current franchise agreement allowing Atmos to utilize city rights-of-way in the provision of such service was approved on July 10, 2007. The

agreement expired on December 31, 2016; however, the City and Atmos have continued to operate under the terms of the agreement until such time as a new franchise is adopted. Please note, this proposed franchise agreement does not cover portions of our industrial area that is governed under a separate agreement approved by the City in April of 2009 and set to expire on December 31, 2019.

The proposed ordinance is modeled after recent franchise agreements from area cities and has been updated to contain conditions that are more favorable to the City, where available. The initial term of this Franchise shall expire at midnight on December 31, 2027. Unless written notice of its intent to renegotiate is provided by either the City or Atmos at least ninety (90) days prior to the expiration of the term, the Franchise shall be extended for up to two (2) additional terms of five (5) years each on the same terms and conditions. The proposed franchise fee is adjusted from four (4) to five (5) percent of gross revenues in line with the majority of our benchmark communities and cities in the north Texas region (see Exhibit A). This revision will result in an increase of approximately 0.50¢ per month for the average residential customer and generate an estimated \$45,000 annually.

Per our City Charter, Section 10.3 FRANCHISES AND SPECIAL PRIVILEGES (B) - *No franchise shall ever be granted until it has been approved by a majority of the City Council, after having been considered at three (3) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefore to be paid to the City.* This shall be the final of three readings with formal action to be taken by the City Council

OR4. AN ORDINANCE AMENDING TITLE IX; GENERAL REGULATIONS; CHAPTER 101; CLEBURNE CONFERENCE CENTER; SENIOR CITIZENS CENTER; INCLUDING VARIOUS SECTION UPDATES ALONG WITH SECTION 101.055 CLEBURNE CONFERENCE CENTER RENTAL FEE SCHEDULE.

BRIEF: Cleburne Conference Center rates have not increased since 2013. Staff is recommending a rental fee increase of 20%, an increase in deposits and optional janitorial fees and the addition or adjustment of certain accessory fees. If the proposed fee schedule is adopted, it would result in an estimated \$29,731 increase in revenue for the facility based on facility rental history. A rate analysis of surrounding community, event, and conference centers were compared. If the proposed fee schedule is adopted, the rates will still be at or below surrounding locations. A reduction in rentals is not expected.

Request new rates be effective September 1, 2018. All current reservations and reservations that are booked with the event date prior to September 1st will be charged the current rate. Rates for the Cleburne Carnegie Players will not be increased in the Performing Arts Center. Other amendments include updating departmental responsibilities and management of the Conference Center and Senior Citizens Center

OR5. AN ORDINANCE APPROVING A SPECIAL EVENT, ALLOWING FOR A CARNIVAL FROM APRIL 12 THRU 15, 2018 AT HULEN PARK AS A PART OF SPRING FEST ACTIVITIES, AS REQUESTED BY DOWNTOWN CLEBURNE ASSOCIATION REPRESENTED BY MAXIE AMMONS.

BRIEF: The applicant is requesting Temporary Use of Hulen Park described under §155.58: Temporary Uses and restrictions set by the Parks Board.

§155.58: Temporary Uses

(3) Special events (including carnivals, circuses, tent revivals). For the purpose of this section, SPECIAL EVENTS are defined as any activity or event meeting the below defined

criteria. Approval for special events may be obtained from the City Council after a recommendation from the Planning and Zoning Commission.

(a) The event or activity is carried on for a period of time not exceeding 15 consecutive days.

(b) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund raising purposes in any zoning district.

(c) Public assemblies carried on out-of-doors or in temporary shelters or tents. This item was presented to the Parks and Recreation Advisory Board on February 5, 2018. The Board approved the event with the following restrictions:

Parks Board Restrictions:

- There shall be no noise emitted from the event after 10 pm;
- Mats and protective coverings shall be placed under all equipment to prevent leaking of lubricants etc. onto grounds;
- A \$2500 deposit shall be submitted to the Parks office prior to event;
- Barring any natural event, the park shall be cleaned and vacated by April 16, 2018 at 5pm. Should the applicant fail to comply with this deadline, a penalty of \$1000 a day will be deducted from deposit.

The Carnival will begin setting up on Tuesday, April 10, 2018 and will complete clean up on Monday, April 16, 2018. Spring Fest will be held Thursday, April 12, 2018 through Sunday, April 15, 2018. The hours of operation will be 9 am to 10 pm.

The Planning and Zoning Commission considered this request at their March 12, 2018 meeting and recommended approval by a vote of 5-0 with all of the conditions proposed by the Parks Board.

OR6. AN ORDINANCE AMENDING TITLE XV: LAND USAGE; CHAPTER 154, SUBDIVISIONS, SECTION 154.082, CONSTRUCTION REQUIREMENTS, GRANTING A VARIANCE FOR THE INSTALLATION OF CURB AND GUTTER LOCATED AT 1407, 1409, AND 1411 CHASE AVENUE AND 216 TREMONT STREET, RESPECTIVELY AS REQUESTED BY CASEY GARZA.

BRIEF: This is a request to waive the installation of curb & gutter at 1407, 1409, and 1411 Chase Avenue and 216 Tremont Street. 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 homes. Drainage on this road is currently managed by bar ditches along the stretch of Chase Avenue and Tremont Street

OR7. AN ORDINANCE ESTABLISHING A NO PARKING AREA ON COLONIAL DRIVE IN FRONT OF WHEAT MIDDLE SCHOOL;.

BRIEF: The Public Works Director has been working with staff at Wheat Middle School on a safety issue for the school due to the increased traffic on Colonial Drive. Parents are parking on both sides of Colonial Drive between Woodard Avenue and Harlin Drive in order to pick up their kids. This has caused a serious safety issue with kids and parents crossing the roadway during drop off and pickup hours. The school is requesting that the City of Cleburne declare this area a “No Parking Zone” between the hours of 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:00 p.m. The Public Works Director is in agreement with this solution

OTHER COUNCIL MATTERS

OC2. CONSIDER THE REPLAT OF LOTS 1-3, BLOCK 1, J. MORGAN ADDITION, AN ADDITION TO THE CITY OF CLEBURNE, BEING A 0.509 ACRE TRACT, LOCATED AT 208 WOODARD AVE.

BRIEF: This is a request to replat and create three residential lots for three new single family homes. 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 plat as presented complies with all requirements of the zoning and subdivision ordinance.

The applicant is requesting a plat waiver for the installation of sidewalks, curb and gutter.

The Planning and Zoning Commission considered this request at their March 12, 2018 meeting and recommended approval of the plat and the waiver requests for installation of sidewalks, curb and gutter, by a vote of 4-1.

OC3. CONSIDER THE FINAL PLAT OF LOT 1R, BLOCK C, OAK GROVE PLACE BEING A 0.996 ACRE TRACT, LOCATED AT 303 CORSON ST.

BRIEF: This is a request to create one lot for a new 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. Staff is working with the surveyor and have requested that an existing sewer easement be shown on the plat. Staff feels comfortable moving forward with the plat and will have the existing sewer easement shown on the plat before filing. The Planning and Zoning Commission considered this request at their March 12, 2018 meeting and recommended approval by a vote of 5-0.

WORKSHOP

I. PUBLIC WORKS PROJECT UPDATE – Keith Fisher, Director of Public Works

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
