



## REGULAR CITY COUNCIL MEETING AGENDA

**APRIL 10, 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 Jeff Foster, First Christian Church

### III. PLEDGE OF ALLEGIANCE

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

- ☆ Presentation – 2018 General Aviation Airport Manager of the Year – Sharlette Wright
- ☆ Proclamation – **National Child Abuse Prevention Month, April 2018**

### 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

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 27, 2018** COUNCIL MEETING.**

#### **RS1. A RESOLUTION AUTHORIZING A CONTRACT WITH LYNESS CONSTRUCTION LP FOR THE DEMOLITION OF 10 CONDEMNED PROPERTIES FOR A COST NOT TO EXCEED \$54,150.**

**BRIEF:** Sealed bids were solicited for the demolition of up to eighteen (18) dilapidated properties that have been condemned by the Building and Standards Commission. Bids were received from five (5) contractors and the lowest, most responsible bid was received from Lyness Construction for

a maximum amount of \$102,850.00 for the demolition of all 18 properties. In order to maximize the funds budgeted for this project during fiscal year 2018, the Fire Department has chosen the following ten (10) properties to demolish, for a total amount of \$54,150.00. The anticipated timeline is to complete demolition of all properties within 90 days of approval.

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|-----------------------------------|-------------------------------|
| 1. 200 Hollingsworth - \$4,000.00 | 6. 508 Royal - \$7,600.00     |
| 2. 603 N Main - \$10,650.00       | 7. 803 Boone - \$4,350.00     |
| 3. 4308 N Main - \$5,000.00       | 8. 707 N Brazos - \$3,250.00  |
| 4. 908 Marengo - \$4,000.00       | 9. 413 Elmo - \$6,450.00      |
| 5. 209 Royal - \$6,000.00         | 10. 1003 English - \$2,850.00 |

**OR1. AN ORDINANCE AMENDING THE 2018 FY BUDGET (#8) APPROVING THE CITY MANAGER'S DEPARTMENTAL BUDGET TRANSFERS FOR THE MONTH OF APRIL 2018.**

**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 for the month of April 2018 are as follows and are deemed appropriate to be made by the City Manager for City Council approval:

- 1) Police Services (01-41) moving \$2,200 from 0141-8557 M&R Vehicles to 0141-8657 Insurance, to fund insurance for four new Chevy Tahoe vehicles.
- 2) Fire Services (01-47) moving \$34,500 from Ambulance Services 0146-8930 Capital Equipment to Fire Services 0147-8110 Personnel

**OC1. APPROVE FINAL PLAT OF LOTS 13R1 AND 13R2, BLOCK 13, J.W. STEPHEN'S ADDITION, BEING A 0.43 ACRE TRACT LOCATED AT 515 W HEARD ST; AS REQUESTED BY MAGDALENA VALLERINO, REPRESENTED BY BERNARDO VALLARINO.**

**BRIEF:** This is a request to create two lots, one for an existing residential home and one 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 City Center North District. The Planning and Zoning Commission considered this request at their March 26, 2018 meeting and recommended approval of the plat by a vote of 4-0.

**OC2. APPROVE FINAL PLAT OF LOTS 1-2, BLOCK 1, JOWELL ADDITION, THE**

**THOMAS MITCHELL SURVEY, BEING A 5.0 ACRE TRACT LOCATED IN THE CITY'S ETJ; AS REQUESTED BY LEE JOWELL.**

**BRIEF:** This is a request to plat two residential lots 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 Traditional Neighborhoods District. The Planning and Zoning Commission considered this request at their March 26, 2018 meeting by a vote of 4-0.

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**RESOLUTIONS**

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**RS2. A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH GARZA GROUP LLC FOR FAÇADE IMPROVEMENT GRANT FUNDS FOR PROPERTY LOCATED AT 208 E CHAMBERS ST (DBA LOAF'N DOG) FOR AN AMOUNT OF \$5,000.**

**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 property located at 208 E. Chambers St., which houses Loaf'N Dog Restaurant. Upgrades include sandblasting the exterior, replacement of broken mortar, repainting the façade, and installation of an awning. 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 \$19,816.00; therefore \$5,000 would be the maximum match by the City.

**RS3. A RESOLUTION AUTHORIZING CONTRACT WITH SIGNAL SERVICES GROUP FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF N NOLAN RIVER RD AND CLEBURNE STATION PKWY FOR AN AMOUNT NOT TO EXCEED 291,742.20.**

**BRIEF:** Sealed bids were solicited for the installation of a four-way traffic signal with black powder coated poles at the intersection of N. Nolan River Road and Cleburne Station Parkway. Bids were received from three (3) vendors. Lee Engineering reviewed the bids and verified references. The lowest, most responsible bid was received from Signal Services Group of Humble, Texas, in the amount of \$291,742.20, which includes a base bid of \$246,742.20 and a contingency of \$45,000.

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**ORDINANCES**

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**OR2. AN ORDINANCE REZONING 7.45 ACRES LOCATED AT 1509 E. HENDERSON ST. FROM C3/SUP (COMMERCIAL DISTRICT WITH SUP FOR MAINTENANCE/REPAIR SERVICE FOR BUILDINGS) TO M1 (LIGHT INDUSTRIAL DISTRICT); AS REQUESTED BY ULRICH PROPERTIES LLC, REPRESENTED BY JOHN AINSWORTH.**

**BRIEF:** The applicant has requested to rezone approximately 7.45 acres from C3/SUP (Commercial District, With Specific Use Permit For Maintenance And Repair Service For Buildings) to M1 (Light Industrial District) for the future construction of corporate offices, wholesale distribution and retail outlet for Advance Battery. The Comprehensive Land Use Plan designates the subject property as

Approach Corridor District. The proposed land use is listed as a specially permitted use in this District. The Planning and Zoning Commission considered this request at their March 26, 2018 meeting and recommended approval by a vote of 4-0.

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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.

AND

**B. § 551.074. Personal Matters; Closed Meeting.** (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. Municipal Court Judge, Michael Kurmes' evaluation

**ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, APRIL 10, 2018 at p.m.**

**THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.**

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:**