



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 24, 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 Dr. Ronald Shultz, Bethel Temple Assembly of God

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation - Motorcycle Safety Awareness
- ☆ Presentation – Economic Development Report – Grady Easdon

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 [APRIL 10, 2018 COUNCIL MEETING](#).**RS1. A RESOLUTION ESTABLISHING RULES AND PROCEDURES FOR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, AS REQUIRED BY SECTION 395.058 OF THE TEXAS LOCAL GOVERNMENT CODE.**

BRIEF: On April 14, 2015, City Council established the Capital Improvements Advisory Committee (CIAC) for the purposes of advising the City Council on the adoption of an impact fee program for water and wastewater facilities, and roadways. Members of the Planning and Zoning Commission were appointed to serve as the CIAC, including an additional member who resides within the extraterritorial jurisdiction. City Council adopted water, wastewater, and roadway impact fees at the February 23, 2018, City Council meeting.

Section 395.058(e) of the Texas Local Government Code states, “The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.” Staff recommends adoption of the attached City of Cleburne Capital Improvements Advisory Committee Rules of Procedure. The Rules of Procedure comply with the Texas Local Government Code and have been reviewed by the City Attorney’s Office

RS2. A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED;

BRIEF: On April 5, 2018, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval of a Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$19,002,177. The purpose of the proposed resolution is to deny the DCRF application proposed by Oncor and authorize the City to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. Cities have sixty (60) days from the date of filing to act (deny the increase), thus providing additional time for appropriate review and consideration.

Explanation of “Be It Resolved” Paragraphs of the Resolution:

Sec. 1. This section authorizes the City to participate with OCSC as a party in the Company’s DCRF filing, PUC Docket No. 48231.

Sec. 2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes OCSC to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Sec. 3. This paragraph finds that the Company's application is unreasonable and should be denied.

Sec. 4. This section states that the Company's current rates shall not be changed.

Sec. 5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

Sec. 6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Sec. 7. This section provides that Oncor and counsel for OCSC will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel

RS3. A RESOLUTION AUTHORIZING CITY DEPARTMENTS TO PURCHASE GOODS AND SERVICES THROUGH THE GOVERNMENT COOPERATIVE, GSA ADVANTAGE.

BRIEF: The City of Cleburne desires to utilize cooperative purchasing through GSA on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by multiple governmental entities. While GSA was created for purchases at a federal level, GSA now allows local governments to purchase goods and services under two categories, or schedules: Schedule 70 (IT purchases) and Schedule 84 (law enforcement purchases). All competitive purchasing requirements have been met by GSA. Attached is an exhibit with additional information about GSA Cooperative Purchasing Program

OR1. AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS, CHAPTER 90: AIRPORT, SECTION 90.035 FEES LEVIED AND IMPOSED, OF THE CODE OF ORDINANCES.

BRIEF: To help maintain the existing facilities, the Airport Board is in agreement to raise the monthly T-hangar rates as follows: small T-hangar \$230 per month, large T-hangar \$280 per month.

The amount of the increase was determined by an airport appraisal conducted in 2017. The Appraiser stated based on the hangar rates at the surrounding airports, we could increase our rates \$30 per month and still remain competitive

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

OC2. CONSIDER THE FINAL PLAT OF LOT 1, BLOCK A, THE COHEN ADDITION, AN ADDITION TO THE CURRENT EXTRATERRITORIAL JURISDICTION OF THE CITY, AS REQUESTED BY JOSEPH COHEN, REPRESENTED BY ROBERT BRYAN.

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 Future Traditional Neighborhoods District.

The Planning and Zoning Commission considered this request at their April 10, 2018 meeting and recommended approval of the plat by a vote of 5-0.

ITEMS PULLED FROM CONSENT AGENDA

BIDS & QUOTES

BQ1. AWARD PURCHASE OF A 2019 FREIGHTLINER M2 WITH A PALFINGER EPSILON GRAPPLE BODY FROM FREIGHTLINER OF AUSTIN IN THE AMOUNT OF \$154,800.

BRIEF: The sanitation department is requesting to replace a 2006 GMC C8500 grapple truck. This unit has reached the end of its useful life and is starting to have more frequent and costly breakdowns. This unit is one of two in the city and is used 5 days a week to perform the bulk pickup service throughout our community. The unit that will be replacing it is a 2018 Freightliner M2 chassis, grapple brush loader, and 30yd Hard-Ox Body. This truck is comparable in size, capability and capacity to the unit it is replacing. The asset we are replacing (#0191055) will be traded in for \$21,000.00 bringing our total investment down to \$154,800.

Freightliner of Austin, Texas was awarded the BuyBoard contract for this unit; so all competitive purchasing requirements have been met. This purchase was discussed with Council and included in the Fiscal Year 2018 General Fund budget. Account number 0391-8950.

RESOLUTIONS

RS4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDS TO ASSIST IN INCREASING THE NUMBER OF FIREFIGHTERS THROUGH THE SAFER GRANT PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

BRIEF: This is to consider a SAFER Grant Application to Federal Emergency Management Agency to fund 3 new Firefighter positions. The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. If funded, the grant would provide for 75% of firefighter salary and benefits for year 1 and 2, and 35% of the salary and benefits for year 3. The match is 25% in year 1 & 2 and 65% in year 3.

RS5. A RESOLUTION APPROVING AN AMENDEDMENT TO THE PROJECT PLAN FOR TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO.

BRIEF: The Tax Increment Financing District Reinvestment Zone No. 2 (TIF 2) Board of Directors met on March 28, 2018, where they unanimously approved changes to the Project Plan, which was last revised on October 13, 2015. The proposed changes are:

- 1) Increase the total Project Plan funding to an amount equaling the funding total of \$1,499,216 in the approved Finance Plan

The adopted TIF 2 Finance Plan identifies a total funding amount of \$1,499,216. The Project Plan allocates a total funding amount of \$1,192,310. The TIF 2 Board recommends increasing the total Project Plan funding to equal the Finance Plan total, which will provide an additional \$306,894 of capacity for projects. The projected annual collections from inception through fiscal year 2019 is \$1,518,317, which provides adequate funding for the project plan revision.

- 2) Add project #14 “Downtown Sidewalks and Curbs Improvements” with an allocation of \$921,846 to this project.

Project #11, the Courthouse Square Streetscape and Sidewalk Improvements project, increased in scope and cost from \$555,795 in February of 2015 to an estimated \$1,500,915 in September of 2017. This was primarily due to TXDOT required improvements that were not included in the initial project scope. The increased project costs exceed the funding capacity within the TIF 2 Finance and Project Plans.

The TIF 2 Board recommends adding the Downtown Sidewalks and Curbs Improvements project in order to replace and repair curb and gutters, sidewalks, and driveway approaches throughout 30 reconstruction areas in downtown. The project will also include the installation of flag holders around the square and handrails at select locations. The project will improve pedestrian safety and aesthetics near businesses and redevelopment opportunities.

- 3) Add project #15 “Façade and Building Reinvestment Grants” with an allocation of \$155,000 to this project.

The TIF 2 Board recommends adding the Façade and Building Reinvestment Grants project to the Project Plan. This will permit the Board and City Council to consider economic development programs and partnerships to assist private development investments in downtown. With the success of the city’s Downtown Building Rehabilitation Matching Incentive Program and the Facade Improvement Matching Incentive Program, this project will be an additional funding resource utilizing similar program guidelines.

- 4) Projects #8, #10, #11, and #12 did not spend total allocations in the amount of \$769,940. Funding will be reallocated from these projects to projects #14 and #15.
 - Project #8 from \$3,792 to \$2,000 (Decrease of \$1,792)
 - (Downtown Square Banners)
 - Project #10 from \$40,000 to \$36,731 (Decrease of \$3,269)
 - (Historic Preservation Consulting Services & Survey)
 - Project #11 from \$741,438 to \$17,400 (Decrease of \$724,038)

- (Courthouse Square Streetscape and Sidewalk Improvements)
 - Project #12 from \$140,000 to \$99,119 (Decrease of \$40,881)
 - (TIF Creation & Ongoing Administration)
- 5) Projects #3 and #9 are considered complete and overspent allocations by a total of \$40. The proposed Project plan increases funding for these line items, respectively.
 - Project # 3 from \$16,132 to \$16,162
 - Project # 9 from \$44,640 to \$44,650
- 6) The TIF2 Board unanimously approved spending \$9,650 from project #14 for the downtown sidewalks and curbs study performed by Childress Engineering.

The following is informational only and will be considered by the City Council as a separate agenda item: The TIF2 Board unanimously approved entering into an engineering services agreement with Childress Engineering for project #14, Downtown Sidewalk and Curb Improvements. Childress Engineering has submitted an agreement for an amount not to exceed \$91,000.

RS6. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHILDRESS ENGINEERS FOR ENGINEERING SERVICES FOR THE TIF 2 SIDEWALK RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED \$91,000.

BRIEF: This agreement will provide engineering services for the reconstruction and repair curb and gutters, sidewalks, and driveway approaches throughout 30 reconstruction areas in downtown. The project will also include the installation of flag holders around the square and handrails at select locations. Basic engineering services are \$79,000 and special engineering services that include surveying are \$12,000, for a total contract not to exceed \$91,000

RS7. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT RENEWAL WITH PATTILLO, BROWN & HILL, LLP FOR AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2018 FOR AN AMOUNT UP TO \$55,200.

BRIEF: On June 13, 2017, the City Council approved a contract with Pattillo, Brown & Hill LLP (attached exhibit Resolution RS-06-2017-40) to provide audit services over a term of five years. This is the second year of the five-year audit engagement contract and the cost of audit services would be increased 3% annually, per the terms of the resolution. Included in the audit engagement contract is auditing of all City funds, audit services for federally required Single Audit programs, Texas Commission on Environmental Quality computation assurances, issuance of a HUD SAS29 letter at a cost of \$50,200, and preparation and printing of the Comprehensive Annual Financial Report at an annual cost of \$5,000 by the firm.

The audit engagement letter for Fiscal Year 2018 is attached as an exhibit. Incorporated into the engagement letter is a copy of Pattillo, Brown & Hill, LLP.'s most recent peer review. Peer

review is a periodic outside review, performed by another accounting firm, of a firm's quality control system in accounting and/or auditing. Peer reviews maintain and improve the quality of the auditing services performed by firms. The firm received a peer review of pass, which is the highest rating that a firm can receive

RS8. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LONG TERM LAND LEASE AGREEMENT WITH INTERNATIONAL BIOMEDICAL FOR HANGAR 901 AT THE CLEBURNE REGIONAL AIRPORT.

BRIEF: International Biomedical, Inc. would like to enter into a 20 year land lease for Hangar 901. The original lease began in 1988 and was for a term of 30 years, which terminated on March 1, 2018.

International Biomedical, Inc. built the hangar and would like to continue to occupy the hangar for an additional 20 years, with a five year option at the completion of the new lease.

ORDINANCES

OR2. AN ORDINANCE RELATING TO THE CLASSIFICATION AND NUMBER OF POSITIONS FOR ALL CITY OF CLEBURNE FIREFIGHTERS AND POLICE OFFICERS PURSUANT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE PERTAINING TO CIVIL SERVICE;

BRIEF: Acting Fire Chief Lail has requested a reclassification of their "Training Coordinator" from the rank of Engineer to the rank of Lieutenant. The position will then serve as a "Training Officer". This request was submitted by Chief Lail to give that position the authority since they are giving orders to Officers for their training and scheduling

OR3. AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 156: SIGN REGULATIONS, BY GRANTING A SIGN VARIANCE FOR A LANDMARK SIGN TO BE LOCATED AT 2860 NORTH NOLAN RIVER ROAD, AS REQUESTED BY CLEBURNE STATION INVESTMENTS, LP.

BRIEF: Cleburne Station Investments, L.P. has submitted a formal request for a variance to allow for an increase in the maximum sign area permitted for a Landmark Sign located at 2860 N. Nolan River Rd. The proposed Landmark Sign will be the monument for Cleburne Station, home of The Depot.

The proposed sign exceeds the maximum allowable sign area by 152 square feet. The maximum sign area for a Landmark Sign in the Regional Node District is 300 square feet. The four-sided monolith is proposed to contain signage on three faces with a total sign area of 452 square feet. This includes 324 square feet of sign faces on the north and east elevations, and a 128 square foot high-definition electronic message center on the west elevation.

The proposed sign is unlike any other sign existing in the City of Cleburne. This sign will serve as a significant landmark and gateway signage into the City of Cleburne from the Chisholm Trail Tollway

OTHER COUNCIL MATTERS

OC3. CONSIDER THE REPLAT OF LOT 1, BLOCK 1, ARGENIS ADDITION II, AN ADDITION TO THE CITY OF CLEBURNE, LOCATED AT 306 N. PENDELL AVE, AS REQUESTED BY ARGENIS JAMES.

BRIEF: This is a request to create one residential lot for the construction of a new single-family house. 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 April 10, 2018 meeting and recommended approval of the plat by a vote of 5-0

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:



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.