



REGULAR CITY COUNCIL MEETING AGENDA

MAY 8, 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 Daniel Crosby, First Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Proclamation – [National Police Week](#), May 13-19

☆ Presentation – STARS Award for March 2018 – David Steinc, Street Department

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 24, 2018 COUNCIL MEETING.**RS1. RESOLUTION ADOPTING REVISED RULES OF PROCEDURE FOR THE ZONING BOARD OF ADJUSTMENT.**

BRIEF: The Zoning Board of Adjustment considered this request at their April 17, 2018 meeting and recommended approval by a vote of 5-0 with minor revisions, as shown in the attached Zoning Board of Adjustment – Rules of Procedure document.

Background:

The last update to the Zoning Board of Adjustment's Rules of Procedure occurred in 1992. Given the significant lapse of time since the last update, staff initiated a review and revision of this important document. The Rules of Procedure generally cover the following six topics:

1. Organization and Officers;
2. Meetings;
3. Official Records;
4. Powers and Duties;
5. Hearings and Decisions; and
6. Rules and Amendments.

Many of the above listed items are prescribed by State Law. The Rules of Procedure up for consideration have been reviewed by the City Attorney and comply with all applicable laws governing the Zoning Board of Adjustment. Additionally, the proposed update has been reviewed by the City Secretary's office for compliance with the City Charter, and general rules of procedures for boards and committees.

The Zoning Board of Adjustment is charged with reviewing the proposed update, making any revisions or recommendations as needed, and adopting the Rules of Procedure. Following the adoption by the Zoning Board of Adjustment, the Rules of Procedure will be forwarded to City Council, with any revisions or recommendations from the ZBA. City Council is the final approval authority of the Rules of Procedure.

RESOLUTIONS

RS2. RESOLUTION AUTHORIZING CONTRACT WITH PEACHTREE CONSTRUCTION LTD OF KELLER, TX FOR THE 2017 STREET RECONSTRUCTION PROJECT, FOR AN AMOUNT NOT TO EXCEED \$1,479,747.

BRIEF: Sealed bids were solicited for the 2017 Street Reconstruction Project. Bids were received from eight (8) vendors (see Bid Tab exhibit). Childress Engineering reviewed the bids and verified references. The lowest, most responsible bid was received from Peachtree Construction Keller, Texas, in the amount of \$1,479,747, which includes a base bid of \$1,183,797.60 and a contingency of \$295,949.40

RS3. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CLEBURNE INDEPENDENT SCHOOL DISTRICT (CISD) FOR THE CISD/CTE PRACTICUM IN LAW ENFORCEMENT

PROGRAM.

BRIEF: The goal of the Law Enforcement Practicum program is to provide practical application of previously studied knowledge and skills learned in the Law, Public safety, Corrections, and/or Security career and technology education career cluster at Cleburne High School. The program is designed to immerse the high school student in their chosen career path prior to graduating high school. Students must meet eligibility requirements, be interviewed, and selected by members of the Cleburne Police Department. Students will be required by CISD to apply, be accepted, and be an active member of the Cleburne Police Explorer Post in conjunction with the practicum experience. Students will rotate through various areas of the Cleburne Police Department for an entire school year. The City will not incur a fiscal impact as a result of this program.

ORDINANCES

OR1. FIRST PUBLIC HEARING CONSIDERING ORDINANCE APPROVING PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 43 ACRES LOCATED IN THE C CHANEY SURVEY (6 ACRES IN TRACT 13A, ABSTRACT 124 AND 36.99 ACRES IN TRACT 25, ABSTRACT 124) GENERALLY LOCATED NORTH OF 1601 E HENDERSON ST, SOUTH OF CR 805 AND WEST OF FERGASON RD AND SAID TRACTS ARE CONTIGUOUS TO THE CITY LIMITS AND EXCLUSIVELY IN THE CITY'S ETJ.

BRIEF: A petition for voluntary annexation has been filed with the City by the owners of an approximately 43-acre tract of land, generally located north of 1601 E. Henderson St., south of C.R. 805, and west of Fergason Rd., contiguous to the City of Cleburne. The applicant is requesting that the Property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code. Pursuant to Section 43.063 of the Texas Local Government Code, the City Council is required to hold two public hearings before it may initiate annexation proceedings for the Property

OR2. ORDINANCE AMENDING TITLE XV: LAND USAGE OF THE CODE OF ORDINANCES BY ADDING CHAPTER 158: IMPACT FEES TO GOVERN WATER, WASTEWATER AND ROADWAY IMPACT FEES ON NEW DEVELOPMENT IN THE CITY LIMITS AND EXTRA TERRITORIAL JURISDICTION (ETJ).

BRIEF: On February 23, 2018, City Council adopted Ordinance OR02-2018-10 establishing water, wastewater, and roadway impact fees in accordance with Chapter 395 of the Texas Local Government Code (TLGC). Chapter 158 assures the provision of adequate public facilities for water, wastewater and roadway facilities to serve new development by requiring each such development to pay its share of the costs of such improvements necessitated by and attributable to such new development, in conformance with the provisions of TLGC Chapter 395. Chapter 158: Impact Fees is intended for inclusion into the City's Code of Ordinances for program administration. The chapter addresses impact fee schedules, service unit determination, processes

for assessment, calculation, collection and use of impact fees, processes for appeals, credits, refunds, rebates and relief of impact fees, and water, wastewater and roadway service areas

OR3. ORDINANCE ACCEPTING A BID FOR AND APPROVING THE SALE OF REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE THAT IS LOCATED AT 715 TURNER ST, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST SAID PROPERTY.

BRIEF: the 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 at a Sheriff's sale held of the 6th day of September, 2016, in Cause No. DC-T201500230, Cleburne ISD vs. Tire Assets LLC. 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. T. D. Curlee, has made an offer to purchase the property for the sum of Twelve thousand one hundred dollars and no cents (\$12,100.00). The City will receive \$2,209.00 for maintenance costs upon the sale of this property as well as \$1,921.19 in property taxes and \$2,343.28 in presale liens

OR4 ORDINANCE ACCEPTING A BID FOR AND APPROVING THE SALE OF REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE THAT IS LOCATED AT 913 PHILLIPS ST, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST SAID 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 at a Sheriff's sale held of the 3rd day of May, 2016, in Cause No. T201300189, Cleburne ISD vs. Chris W. Stacks. 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. T. D. Curlee, has made an offer to purchase the property for the sum of Eleven thousand three hundred dollars and no cents (\$11,300.00). The City will receive \$2,039.10 for maintenance costs upon the sale of this property as well as \$2,044.56 in property taxes and \$567.93 in presale liens

OR5. ORDINANCE ACCEPTING A BID FOR AND APPROVING THE SALE OF REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE THAT IS LOCATED AT 1005 WILLIAMS AVE, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST SAID 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 at a Sheriff's sale held of the 1st day of August, 2017, in Cause No. DC-T201500300, Cleburne ISD vs. Claude Cleveland. 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. Linda Clifton-Becker, has made an offer to purchase the property for the sum of Twenty-two thousand dollars and no cents (\$22,000.00). The City will receive \$1,189.30 for maintenance costs upon the sale of this property as well as \$4,099.66 in property taxes and \$6,897.21 in presale liens

OR6. ORDINANCE ACCEPTING A BID FOR AND APPROVING THE SALE OF REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE THAT IS LOCATED AT 1236 E JAMES ST, AUTHORIZING THE MAYOR TO EXECUTE A DEED AND AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY AGAINST SAID 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 at a Sheriff's sale held of the 1st day of December, 2015, in Cause No. T201400191, Cleburne ISD vs. Jo Betty Jean Shelton. 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. Garza Group, has made an offer to purchase the property for the sum of One thousand five hundred dollars and no cents (\$1,500.00) and has entered into an agreement with the City to:

1. Apply and receive a building permit to construct a single family residential home within six months of closing date of the sale.
 2. Physically begin construction of a new home before the expiration of the permit;
- and

The City will receive \$809.70 for maintenance costs upon the sale of this property.

OTHER COUNCIL MATTERS

OC1. APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION.

BRIEF: Due to the resignation of Kirklin Cross and Jo Ann Brinkley, the Planning and Zoning Commission is in need of 2 new members. The Board and Commission Committee has met and reviewed applications for potential candidates and is recommending the appointment of Albert Archer, Sr. and Robert Bruchman. The terms will run from May 2018 – June 2020. Each candidate has been contacted and is willing to serve if appointed

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.**

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. Pending litigation: *Nadia Fuller v. City of Cleburne*, Cause No. DC-C201700524 in the 249th District Court of Johnson County, Texas
2. Pending litigation: *Sandra Y. Overstreet v. City of Cleburne*, Cause No. DC-C201700695 in the 413th Judicial District Court, Johnson County, Texas

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.