



REGULAR CITY COUNCIL MEETING AGENDA

MAY 22, 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
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Pastor Johnathan Halton, Cleburne Full Gospel Holy Temple

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

COUNCIL SWEARING IN CEREMONY

Administration of Statements of Elected Officer

Administration of Oaths of Office

Present Certificates of Election

☆ Proclamation – Memorial Day Proclamation: Honor & Remembrance For Our Heroes, May 28, 2018

☆ April 2018 All Star Award – Mindy Henry, Animal Services

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 MAY 8, 2018 REGULAR COUNCIL MEETING

M2. APPROVAL OF MINUTES FOR MAY 15, 2018 SPECIAL COUNCIL MEETING

RS1. A RESOLUTION APPROVING INVESTMENT REPORT FOR QUARTER ENDING MARCH 31, 2018.

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 March 31, 2018, 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. At March 31, 2018, there was \$69,586,769 invested in the four pools with total quarterly interest income of \$195,277. The percentage allocation by investment pool at March 31, 2018 is LOGIC: 33.6%, Texas Class: 23.2%, TexPool: 10.6%, and TexSTAR: 32.6%.

RS2. A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF FUNDS FOR REPORT MANAGEMENT SYSTEM UPGRADES FOR CLEBURNE POLICE DEPT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: This is to consider a grant application to the Office of the Governor - Criminal Justice Division for \$168,430 to upgrade to a new report management system to improve National Incident-Based Reporting System "NIBRS" reporting capabilities and communication between partner agencies in Johnson County. Transitioning to a new system and joining a county-wide RMS consortium will improve Cleburne's NIBRS reporting capabilities, bring consortium partners into NIBRS compliance, and improve information sharing and regional cooperation between law enforcement agencies in Johnson County. There is no grant match required.

RS3. A RESOLUTION CONFIRMING CITY MANAGER'S AMENDMENT TO PERSONNEL POLICY, CHAPTER 5.04 DRUG AND ALCOHOL POLICY-DOT.

Person presenting this item: Debra Powledge, Director of Human Resources

BRIEF: United States Department of Transportation recently changed the drug and alcohol testing regulations in January 2018. The City of Cleburne Drug and Alcohol- DOT policy has added definitions, contacts, and updated regulations to be in compliance with the changes. Although the City Manager sets personnel policies, the Department of Transportation requires the City Council confirm this policy.

The main changes in the policy are the following:

- The United States Department of Transportation (USDOT) updated drug and alcohol testing regulation as of January 1, 2018
- DOT positons will remain with a "5-panel" drug test and expanding to include four(4) new semi-synthetic opioids: Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone

- Definitions were added to City of Cleburne Drug and Alcohol DOT Policy
- Contacts were added to City policy to identify the Drug and Alcohol Program Manager, Medical Review Officer, and Substance Abuse Professional
- Policy was reviewed and approved by a third party auditor RLS & Associates under TXDOT Drug and Alcohol to be in compliance with 49CFR
- Final revisions were approved by our City Attorney

OR1. AN ORDINANCE AMENDING THE FY 2018 BUDGET (#9) 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 documented on the departmental request forms for the month of May 2018 and are deemed appropriate to be made by the City Manager for City Council approval.

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

Person presenting this item: Terry Leake, Director of Finance

OC2. APPROVE FINAL PLAT OF LOT 1, BLOCK 1 MILAN'S ADDITION (BEING 2.614 ACRES LOCATED AT 3401 FM 1434 IN THE CITY'S ETJ); AS REQUESTED BY MILAN PATEL.

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

BRIEF: This is a request to plat one lot 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 Farmland Community District. The Planning and Zoning Commission considered this request at their May 14, 2018 meeting and recommended approval of the plat by a vote of 5-0.

OC3. APPROVE FINAL PLAT OF LOTS 1-2, BLOCK 1, SAUDER ESTATES ADDITION (BEING 2.964 ACRES LOCATED AT 433 RUBY LN IN THE CITY'S ETJ); AS REQUESTED BY ALYCIA SAUDER.

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

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 Farmland Community District. The Planning and Zoning Commission considered this request at their May 14, 2018 meeting and recommended approval of the plat by a vote of 5-0.

OC4. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, TUCKER'S SUBDIVISION (BEING 1.0 ACRE TRACT LOCATED ON CR 1017 IN THE W.P. KING SURVEY IN THE CITY'S ETJ); AS REQUESTED BY JOSHUA TUCKER, REPRESENTED BY STEVEN CREWS.

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

BRIEF: This is a request to plat one residential lot 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 May 14, 2018 meeting and recommended approval of the plat by a vote of 5-0.

RESOLUTIONS

RS4. A RESOLUTION AMENDING POLICY GUIDELINES AND CRITERIA FOR THE "1,000 HOMES IN TWO YEARS INCENTIVE PROGRAM".

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: In 2015, recognizing the need to spur new residential single-family home construction in an extremely tight housing market in Cleburne, the City Council authorized implementation of the "1,000 Homes in Two Years" residential home incentive program ("Program"). The goal of this ambitious economic development program was to accelerate homebuilding activity and to attract national builders to Cleburne, with the end result being a substantial increase in the number of new single-family rooftops available. Today, there are numerous subdivisions at various stages of development and building permits for 2017 were more than double the number in 2016. Permits issued YTD are currently on pace to surpass last year's totals and there are plats either approved or currently under plan review for approximately 1,200 new single-family homes. Due to the success of the Program, it is staff's belief that the desired outcome has been attained and that the time has come to work toward curtailing the Program. The amended Program, if approved, would shorten the term of the ad valorem tax rebates from five (5) years under the current guidelines to two (2) years, and the percentage of tax rebates would be reduced from 100% of the difference between the base value and appraised value of the new homes constructed to 50%. Additionally, the amended Program would eliminate the waiving of development and building fees and will terminate on June 1, 2019 unless Council directs staff to continue the Program based on economic conditions at that time.

RS5. A RESOLUTION APPROVING WAIVER TO 6-MONTH WAITING PERIOD FOR ZONING RE-APPLICATION FOR PROPERTY LOCATED AT 659 WOODARD AVENUE, AUTHORIZED BY TITLE XV: LAND USAGE, SECTION 155.15 (B)(6) ZONING AMENDMENTS; AS REQUESTED BY JOHN WILCOX, REPRESENTED BY BRIAN FORRESTER.

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

BRIEF: On January 9, 2018, City Council denied a rezoning request for the property located at 659 Woodard Avenue (Case ZC17-019). The original application requested to rezone the property from SF-4 (Single-Family Dwelling District) and CO (Non-retail District) to PD (Planned Development District). The request included a development plan proposing to construct 26 duplexes with a total of 52 individual units, and 4 multiple-bay single-car garages. The applicant has revised the development plan

and PD information, and requested to resubmit for consideration.

Section 155.15 - Amendments of the zoning ordinance requires a minimum six-month waiting period to submit a rezoning request for the same zoning designation on a piece of property, following a denial with prejudice by the City Council. The section reads as follows:

(B)(6) "Denial With Prejudice. The City Council shall, unless otherwise stated in the motion, make all denials of zoning changes with prejudice. If the request is denied with prejudice, no additional application shall be accepted which involves all or any part of the same property within a period of six months after denial by the City Council, except:

(a) At the request of the City Council; or

(b) Upon written request by the applicant, the City Council may waive the six-month waiting period and permit a new application to be filed. Such request for waiver shall not be set for a public hearing unless required by a majority vote of the City Council; or ...

However, subsection (b) provides the applicant the ability to request a waiver from the six-month waiting period. The applicant has submitted a request in writing for Council's consideration (GC18-006). Should the request be approved, the applicant may submit the revised rezoning request. Any new applications will follow the same process as the original request, with consideration by the Planning and Zoning Commission, and City Council.

ORDINANCES

OR2. OR05-2018-

AN ORDINANCE REAPPOINTING MICHAEL KURMES FOR A TERM OF TWO-YEARS AS MUNICIPAL COURT JUDGE FOR THE CLEBURNE MUNICIPAL COURT OF RECORD AND AUTHORIZING AN AGREEMENT FOR SAID SERVICES.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On November 8, 2016, City Council reappointed Michael Kurmes for a term to expire on May 31, 2018, after his initial appointment as Municipal Court Judge on November 11, 2014. City Council desires to reappoint Michael Kurmes as Municipal Court Judge for a two year term for the period of June 1, 2018 through May 31, 2020 at an annual compensation amount of \$52,500 for judicial and magistrate services for the City of Cleburne Municipal Court of Record. The "Agreement for Contract Services for Municipal Court Judge" details the judicial and magistrate services to be provided by the Municipal Court Judge. This appointment is authorized by ordinance, and the Cleburne Municipal Court of Record was created pursuant to Chapter 30, Subchapter A of the Texas Government Code. The TGC provides that Municipal Courts of Record must have their judges appointed by an ordinance of the City Council, and the City of Cleburne Charter provides for the Council's appointment of a Municipal Court Judge.

OR3. *2nd PUBLIC HEARING* AN 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.

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

BRIEF: A petition for voluntary annexation has been filed with the City by the owners of an approximately 43-acre tract of land. It is generally located north of 1601 E. Henderson St., south of

C.R. 805, and west of Ferguson Road, is entirely in the City's extraterritorial jurisdiction and is contiguous. 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.

OR4. *PUBLIC HEARING* AN ORDINANCE REZONING 19 PARCELS OF STRUCK-OFF PROPERTIES TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The City of Cleburne is requesting to rezone nineteen (19) properties from various zoning districts to SF-4 (Single-Family Dwelling District) for the purpose of constructing a single-family home on each lot. Each of the nineteen (19) properties up for consideration were "struck off" to the City. This essentially means that each property has been foreclosed, gone to auction, and did not sell. When a property fails to sell at auction, it is "struck off" to the taxing entity, as in this case, the City of Cleburne. Once the City becomes the owner of the property, the maintenance (i.e. mowing) becomes the City's responsibility, and ultimately the taxpayer.

In an effort to revitalize neighborhoods, and put new single-family homes on vacant lots, the City has undertaken the process of preparing these properties for sale, or donation. A key part of this preparation includes rezoning properties that are not currently zoned residential to assist in the redevelopment process. Of the nineteen (19) properties up for consideration, only two are inconsistent with the Future Land Use Plan. The property at 612 E. Wardville St. is located within the Central Corridor district, and the property at 1609 N. Brazos Ave. is located in the Transportation and Industry district. Neither of these districts list single-family as an appropriate use. However, all nineteen (19) properties are located within existing residential neighborhoods, which happen to be zoned inconsistent with the existing land use, or conditions on the ground.

The Planning and Zoning Commission considered this request at their May 14, 2018 meeting and recommended approval of the following described properties by a vote of 5-0.

1. 1201 N Brazos Ave from M1 (Light Industrial District), Case ZC18-007
2. 1202 N Brazos Ave from C1 (Local Business District), Case ZC18-008
3. 1206 N Brazos Ave from C1 (Local Business District), Case ZC18-009
4. 1325 N Brazos Ave from M1 (Light Industrial District), Case ZC18-010
5. 1609 N Brazos Ave from M1 (Light Industrial District), Case ZC18-011
6. 787 Chase Ave from D (Duplex Dwelling District), Case ZC18-012
7. 302 Olive St from C1 (Local Business District), Case ZC18-013
8. 1012 N Robinson St from MF (Multiple-Family Housing District), Case ZC18-014
9. 1307 N Robinson St from MF (Multiple-Family Housing District), Case ZC18-015
10. 912 N Robinson St from MF (Multiple-Family Housing District), Case ZC18-016
11. 206 Royal St from MF (Multiple-Family Housing District), Case ZC18-017
12. 821 N Wilhite St from MF (Multiple-Family Housing District), Case ZC18-018
13. 407 Royal St from C1 (Local Business District), Case ZC18-019
14. 612 E Wardville St from D (Duplex Dwelling District), Case ZC18-020
15. 299 E Willingham St from MF (Multiple-Family Housing District), Case ZC18-021
16. 607 E Willingham St from MF (Multiple-Family Housing District), Case ZC18-022
17. 615 E Willingham St from C1 (Local Business District), Case ZC18-023
18. 2002 Winding Creek from SF-4/MH (Single-Family Dwelling District/Manufactured Housing District), Case ZC18-024
19. 511 E Willingham St from MF (Multiple-Family Housing District), Case ZC18-025

OTHER COUNCIL MATTERS

OC5. APPOINTMENT OF MAYOR PRO TEM FOR A PERIOD OF TWO YEARS.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: This appointment coincides with the two-year term of the newly elected mayor. Section 3.9 of the City Charter states, "The Council shall elect a Mayor Pro Tem from their members who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy should occur, shall become Mayor until the next regular election."

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss the City's logo and tag line

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. § 551.074. Personnel 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. Discuss Michael Kurmes' reappointment as Municipal Court Judge

B. § 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

1. Discuss Blade Runner project

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.