



NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING** of the above named City will be held on the 26th day of JUNE, 2018, at 5:00pm, in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.

At which time the following subjects will be discussed, to-wit:

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in City Hall of said City in Cleburne, Texas, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net, and said Notice was posted on June 22, 2018, by 5:00 p.m.



City of Cleburne

By Shelly Doty
Shelly Doty, City Secretary



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.

Note: A quorum of any Cleburne board, commission, or committee may be present at this meeting.

Agenda Removal Notice

Date:

Initials:



REGULAR CITY COUNCIL MEETING AGENDA

JUNE 26, 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, SMD 1
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, Mayor Pro Tem
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Rev Jerry Cox, Crossroads Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – 2017 Police Annual Report

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 JUNE 12, 2018 REGULAR COUNCIL MEETING.

M2. APPROVAL OF MINUTES FOR THE JUNE 19, 2018 SPECIAL COUNCIL MEETING.

BQ1. AUTHORIZE PURCHASE OF A MOBILE COMMAND VEHICLE FROM SILSBEE FORD, A BUYBOARD COOPERATIVE PURCHASING VENDOR, TO BE USED BY THE POLICE DEPARTMENT FOR AN AMOUNT NOT TO EXCEED \$80,366.20.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: On February 27, 2018, Council approved the purchase of a Mobile Command Vehicle from Chastang Ford, with vehicle body construction by Supreme Corporation, funded through a Criminal

Justice Division Grant. CPD submitted the Council action documentation to the grantor for approval of purchase prior to ordering the vehicle. CJD approved the purchase on 5/31/18. In the interim, the original vendor was purchased by another company who no longer constructs specialty vehicles. CPD located another vendor, Silsbee Ford, who can construct the vehicle for \$80,366.20. The purchase is funded through a Criminal Justice Division Grant (\$79,810) and the Abandoned Vehicle Fund (\$556.20) for a total of \$80,366.20. Silsbee Ford is a BuyBoard cooperative purchasing vendor, and therefore all bidding requirements have been met.

RS1. A RESOLUTION AUTHORIZING RENEWAL OF THE ANNUAL SERVICE CONTRACT TO GREENLANDER, LLC FOR VEGETATIVE MANAGEMENT FOR AN AMOUNT NOT TO EXCEED THE AMOUNT OF \$48,814.05.

Person presenting this item: Jeremy Hutt, Director of Public Works

BRIEF: The vegetative management contract was awarded to Greengrass, LLC in May 2016 for one year with the option of four additional one-year extensions. This would be the second extension. The vendor has agreed to renew at the same price of \$125.00 per acre for the first application, \$120.00 for each consecutive application, and \$0.05 per linear foot for curbs and sidewalks. Greengrass, LLC has continued to provide excellent service to the City during prior and current contract periods.

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

Person presenting this item: Terry Leake, Director of Finance

ORDINANCES

OR1. AN ORDINANCE AMENDING SECTION 120.04: SALE OF ALCOHOLIC BEVERAGES NEAR CHURCHES, PUBLIC HOSPITALS, PUBLIC OR PRIVATE SCHOOLS, OF THE CODE OF ORDINANCES, BY ADDING SUBSECTION (F)(5) TO GRANT A VARIANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH IF THE RESTAURANT IS LOCATED WITHIN THE ORIGINAL DOWNTOWN OVERLAY DISTRICT AND HOLDING A TABCO ON-PREMISE LICENSE AUTHORIZED IN THE CITY OF CLEBURNE.

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

BRIEF: On May 8, 2018, Chuck Bailey spoke during the citizen comments period of the City Council meeting. Mr. Bailey was representing a group of downtown Cleburne business owners, collectively requesting the City Council to reconsider the distance requirements from churches for the sale of alcoholic beverages in the downtown area. Following Mr. Bailey's presentation, Council directed City staff to evaluate the existing policy, and present a plan of action addressing the business owners' concerns.

Section 109.33 of the Texas Alcoholic Beverage Code allows the City Council to enact regulations prohibiting the sale of alcoholic beverages within certain distances of churches, public or private schools, and public hospitals. The City Council adopted Section 120.04 of the Code of Ordinances prohibiting the sale of alcoholic beverages within 300 feet of churches, public and

private schools, and public hospitals on August 11, 2009.

Today, downtown Cleburne is experiencing a rebirth and revitalization and, as a result, a number of proposed and existing restaurants have expressed a desire to be able to sell alcoholic beverages but are unable to do so given the proximity of a number of churches in the downtown area. In an effort to address this new demand and provide for the sale of alcoholic beverages at restaurants in the downtown area, staff researched potential ways to permit such uses.

Section 109.33(e) of the Texas Alcoholic Beverage Code authorizes the City Council to grant variances to these restrictions if the Council determines it is in the best interest of the community. Based on these findings, and at the direction of City Council, staff proposes to amend Section 120.04 of the Code of Ordinances, by adding a new subsection (F)(5) to grant a variance to allow the sale of alcoholic beverages within 300 feet of churches for a premises in the downtown area. The downtown area shall be defined by the boundaries of the Original Downtown Overlay District and will be for all restaurants holding a TABC On-Premise license authorized in the City of Cleburne.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE REPLAT OF LOTS 38R-1 & 38R-2, BLOCK 819, BELLEVUE PLACE ADDITION (BEING 0.412 ACRE TRACT, LOCATED AT 401 SUNSET AVE); AS REQUESTED BY MARK RHODES.

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

BRIEF: This is a request to create two residential lots. 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. The Planning and Zoning Commission considered this request at their June 11, 2018 meeting and recommended approval of the plat by a vote of 4-2, with Commissioner Bruchmann recusing himself.

OC3. *PUBLIC HEARING* APPROVE REPLAT OF LOT 5R, BLOCK 1, HELLEN POWELL'S ADDITION (BEING 1.02 ACRE TRACT, LOCATED AT 1217 S. BRAZOS AVE); AS REQUESTED BY BRETT MASON, REPRESENTED BY STEVEN CREWS.

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

BRIEF: This is a request to replat one residential lot for the construction of a new 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 Village District. The applicant has requested a waiver to the requirement to install curb and gutter along Carmela Court. Staff has reviewed the request, and has no concerns with granting the waiver. The Planning and Zoning Commission considered this request at their June 11, 2018 meeting and recommended approval of the plat by a vote of 7-0, with a waiver to the requirement to install curb and gutter along Carmela Court.

OC4. *PUBLIC HEARING* APPROVE REPLAT OF LOTS 2R1-7R1 & 1X-2X, BLOCK 1, THE MEADOWS (BEING 2.906 ACRE TRACT, LOCATED AT 206 S NOLAN RIVER RD); AS REQUESTED BY BIBER PROPERTIES, REPRESENTED BY ROSS CALHOUN.

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

BRIEF: This is a request to create six residential lots. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned D (Duplex Dwelling District), T (Townhouse District) and SF-4 (Single-Family Dwelling District) and the Comprehensive Land Use Plan shows this area to be in the City Center West District. The Planning and Zoning Commission considered this request at their June 11, 2018 meeting and recommended approval of the plat by a vote of 7-0.

OC5. APPROVE PRELIMINARY PLAT OF BLOCKS A-K, BAKER FARMS (BEING 60.423 ACRE TRACT IN H&TCRR CO SURVEY); AS REQUESTED BY RW GOSSETT, REPRESENTED BY TOMMY CANSLER.

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

BRIEF: This is a request to create 246 single-family residential lots. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned PD (Planned Development District) and the Comprehensive Land Use Plan shows this area to be in the Regional Corridor, Villages, and Traditional Neighborhood Districts. The Planning and Zoning Commission considered this request at their June 11, 2018 meeting and recommended approval of the plat by a vote of 3-0, with four (4) members abstaining. The action taken by the Planning and Zoning Commission does constitute approval, given the majority of the members present and voting moved to approve the plat; the plat is approved. The abstention by four members does not negate the action of the voting members.

OC6. END UNEXPIRED TERM OF ANIMAL SHELTER ADVISORY BOARD MEMBER, RHONDA GUENTHER.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Due to health concerns, Rhonda Guenther is unable to continue her service on the Animal Shelter Advisory Board. Her term does not expire until December. So that a new member may be appointed, staff is requesting that Council take formal action to end her term early.

OC7. APPOINTMENTS AND REAPPOINTMENTS TO CITY BOARDS AND COMMISSIONS.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: The Board and Commission Committee has reviewed current applications, contacted potential candidates and is prepared to make recommendations to the City Council.

The recommendation for 1st term appointments are as follows:

Kathy McClelland	Animal Shelter	Bettye Cook	Parks
Joyce Petross	Library	Kyle May	Parks
Ronald Shultz	Library	Brian Goodman	Parks
Sharon Corder	Library	Derek Weathers	P&Z
Patsy Downing	Museum	Julie Hammond	ZBA
Patricia (Trish) Kilburn	Museum	Christopher Boedeker	ZBA
Guy James	Museum		

The recommendation for 2nd term reappointments are as follows:

Linda London	Building Standards	Judge Roger Harmon	TIF 1
Suzanne Alvarado	Cemetery	Dr. Robert Kelly	TIF 2
Richard Berman	Cemetery	Rick Bailey	TIF 3
Perry Rosser	Cemetery	Roger Harmon	TIF 3
Michael Smith	Cemetery	Scott Cain	TIF 3
Gayle White	Cemetery	Dale Sturgeon	TIF 3
Eddy Boggs	Parks	Gayle White	TIF 3

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

ADJOURNMENT



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.