



## REGULAR CITY COUNCIL MEETING AGENDA

**JULY 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, 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 Dr. John Hall, Field Street Baptist Church**

### **III. PLEDGE OF ALLEGIANCE**

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

### **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 JULY 10, 2018 COUNCIL MEETING.**

### **RS1. A RESOLUTION AFFIRMING THE ANNUAL REVIEW OF THE INVESTMENT STRATEGY AS PART OF THE INVESTMENT POLICY FOR THE CITY OF CLEBURNE.**

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The Public Funds Investment Act, Government Code 2256, requires that public entities

have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. There is a requirement in the Public Funds Investment Act, Government Code 2256.005 that the governing body review and affirm the investment strategy annually. Included in the backup is the investment strategy by fund type (operating, debt service, debt service reserve, and special revenue/purpose), as contained in the City's Investment Policy adopted by City Council on July 12, 2016 (RS07-2016-51). This action is the Council's annual review and affirmation of the investment strategy.

**OR1. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018 (#11) 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 as shown on the Departmental Line Item Budget Transfer Request forms are for the month of July 2018. These transfers are deemed appropriate to be made by the City Manager for City Council approval. The transfers are as follows:

- City Manager's Office (0132) to transfer funds for cost of the 2018 music license fees (\$349).
- Police Department to transfer funds for the cost of two sirens on police vehicles (\$3,093).

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2018.**

Person presenting this item: Terry Leake, Director of Finance

---

**RESOLUTIONS**

---

**RS2. A RESOLUTION AUTHORIZING THE WITHDRAWAL OF A GRANT AWARD FOR THE BOATING ACCESS GRANT PROGRAM THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** The City of Cleburne applied to Texas Parks and Wildlife Department (TPWD) for a Boating Access Grant in October 28, 2014, as authorized by Council under RS10-2014-62.

Cleburne was awarded \$500,000 in 2016 (the maximum grant), and Council authorized the City Manager to negotiate and accept the award on February 27, 2017 under RS02-2017-16. Boating Access funds are pass-through grants from the US Fish and Wildlife Service.

The original scope of the project included a deep water boat ramp, additional parking, bathrooms, a fish cleaning station and a floating dock. The Preliminary Statement of Probable Cost received from Childress Engineers on 4/12/18 (see backup) shows the current cost of construction will be significantly higher (\$1.15M) than original budget estimates of 2014 and the \$700,000 in available funding from TPWD grant and budgeted match. As Cleburne already received the maximum award of \$500,000, additional grant funds are not available. Moving forward with this project would require a significant increase in matching funds from the City. Staff consulted with TPWD program officials, who advise that since the project has not been formally contracted with US Fish and Wildlife to date, the City may withdraw with no penalty, and future applications would be considered favorably. To ensure that public funds are utilized most efficiently by all parties, staff recommends that the project be withdrawn with the potential to reapply at a more appropriate time.

**RS3. A RESOLUTION AUTHORIZING AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION, INC FOR A PART-TIME ADMINISTRATOR TO OPERATE AND MANAGE THE CHISHOLM TRAIL OUTDOOR MUSEUM.**

Person presenting this item: Grady Easdon, Economic Development Manager

**BRIEF:** The Chisholm Trail Outdoor Museum (“CTOM”) has been in continuous operation on City of Cleburne property west of Lake Pat Cleburne along U.S. Highway 67 since 2005, when a lease agreement was executed between the City and Johnson County Heritage Foundation Inc. (the “Foundation”). Since that time, several exhibits have been added and events such as the annual Pioneer Days Festival have been implemented, all of which have dramatically increased tourism traffic to the CTOM and Cleburne’s hotels and motels, restaurants, and shopping and entertainment venues.

As a result of the increased traffic, maintenance and operation of the facilities, and the fact that the CTOM is a 501(C)(3) organization staffed by volunteers, the need has arisen for the Foundation to hire a part-time administrator to head operations, maintenance, and marketing of the CTOM. The Foundation has requested that the City of Cleburne subsidize the salary of this position at \$20,000 annually for a minimum of 20 hours per week devoted to the position.

City staff recognizes that the CTOM continues to experience increased attendance and exposure, and that the venue is an excellent tourist draw that promotes Cleburne’s pioneer heritage and direct ties to history of the Chisholm Trail. Therefore, staff is requesting that an agreement utilizing incentives available under Chapter 380 of the Texas Local Government Code be authorized to fund this position at \$20,000 annually, with payments made to the Foundation on a quarterly basis.

In return for the City’s investment, the Foundation will:

- Hire a qualified individual to serve as Administrator in charge of daily operations of the CTOM, working no less than 20 hours per week with hours to be determined by the Foundation, to be responsible for daily operations of the CTOM and coordination of events and activities at the facility;

- Promote the CTOM through available means (electronic and print media) to increase tourism, working with the Chamber of Commerce and the City of Cleburne as needed;
- Conduct a minimum of two (2) CTOM-related events at Market Square annually in order to promote that facility and draw additional traffic to downtown Cleburne;
- Provide an accounting of the part-time Administrator's hours worked and summary of activities, upcoming promotions, etc. at the CTOM.

For the remainder of this fiscal year (2018), remaining funds that were originally allocated to the Cleburne Farmer's Market would be utilized to fund this position. Going forward, funds from the Hotel/Motel Tax fund would be used for funding the position.

---

## ORDINANCES

---

**OR2. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 1005 WILLIAMS AVE, ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 Sheriffs sale held of the 1<sup>st</sup> day of August, 2017, in Cause No. DC-T201500300; Cleburne Independent School District 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. Paulo Villegas, has made an offer to purchase the property for the sum of seventeen thousand dollars and no cents (\$17,000.00). The City will receive \$1,356.88 for maintenance costs upon the sale of this property as well as \$2,627.22 in property taxes.

**OR3. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 1201 N BRAZOS AVE, ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 Sheriffs sale held of the 2<sup>nd</sup> day of February, 2016, in Cause No. T201400103, Cleburne Independent School District vs. Juan Ponce. 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. David Ray Davenport, has made an offer to purchase the property for the sum of five hundred thirty-seven dollars (\$537.00). The City will receive \$537.00 for maintenance costs upon the sale of this property.

**OR4. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 1202 N BRAZOS AVE,**

**ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 Sheriffs sale held of the 2nd day of February, 2016, in Cause No. T201400118, Cleburne Independent School District vs. Charlie Banks. 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. David Ray Davenport has made an offer to purchase the property for the sum of five hundred thirty-seven dollars and no cents (\$537.00). The City will receive \$537.00 for maintenance costs upon the sale of this property.

**OR5. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 1206 N BRAZOS AVE, ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 Sheriffs sale held of the 2nd day of February, 2016, in Cause No. T201400118, Cleburne Independent School District vs. Charlie Banks. 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. David Ray Davenport, has made an offer to purchase the property for the sum of five hundred thirty-seven dollars and no cents (\$537.00). The City will receive \$537.00 for maintenance costs upon the sale of this property.

**OR6. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 1325 N BRAZOS AVE, ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 Sheriffs sale held of the 7th day of June, 2016, in Cause No. T201400098, Cleburne Independent School District vs. John Barnett. 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. Stephanie Garcia-Luna has made an offer to purchase the property for the sum of seven thousand, five hundred dollars and no cents (\$7,500.00). The City will receive \$2,374.21 for maintenance costs upon the

sale of this property as well as \$630.60 in property taxes.

**OR7. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 2002 WINDING CREEK DR, ACQUIRED AT A DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 on the 5th day of January, 2016, in Cause No. T201000541, City of Cleburne vs. Matthew L. Whitehead. 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. Luis Ramirez, has made an offer to purchase the property for the sum of ten thousand, one hundred seventy-nine dollars and no cents (\$10,179.00). The City will receive \$2,201.89 for maintenance costs upon the sale of this property as well as \$2,088.61 in property taxes.

**OR8. AN ORDINANCE ACCEPTING BID FOR THE SALE OF 507 FRANKLIN ST, ACQUIRED AT A DELINQUENT TAX SALE, LOCATED AT 507 FRANKLIN ST, LOT 2, BLOCK 794, ORIGINAL CLEBURNE; AUTHORIZING THE MAYOR TO EXECUTE A RESALE DEED AND RELEASING ALL CITY LIENS AND ENCUMBRANCES.**

Person presenting this item: Shelly Doty, City Secretary

**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 on the 7th day of April 2015, in Cause No. T201200129, Cleburne Independent School District vs. Charlie Lacy Weaver. 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. Argon Group LLC has made an offer to purchase the property for the sum of twelve thousand one hundred-one dollars and eighty-two cents (\$12,101.82). The City will receive \$2,376.58 for maintenance costs upon the sale of this property as well as \$2,360.31 in property taxes. There is currently a home on the property that the bidder plans to repair and resale.

---

**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:**