



REGULAR CITY COUNCIL MEETING AGENDA
SEPTEMBER 11, 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 Christopher Galbraith, Student Pastor, Henderson Street Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation – National POW/MIA Recognition Days, September 11 – 21, 2018
- ☆ Proclamation – Constitution Week, September 17 – 23, 2018
- ☆ Proclamation – 2018 Cleburne High School House System, Classes 1945-1977 Annual Reunion, September 29, 2018
- ☆ Presentation – Employee Recognition – Gloria Platt, Finance
- ☆ Presentation – Finance Department, GFOA Budget Award

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.

MN1. APPROVAL OF MINUTES FOR THE AUGUST 28, 2018 REGULAR COUNCIL MEETING AND SEPTEMBER 4, 2018 SPECIAL COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR GRANT FUNDS FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The grant is a 50/50 match from the Texas Department of Transportation that is received annually to help with the grounds, building and weather station maintenance. The grant amount is \$50,000.00

An example of the items covered are:

- Runway/taxiway light bulbs and fixtures
- Maintenance agreement for the weather station AWOS (Automated Weather Observation Station)
- Hangar/building maintenance
- Self Service fuel island repairs
- Crack sealing of runway, taxiway and aprons

All airside maintenance needs come first. The runway/taxiway lighting, pavements, drainage and weather station are considered airside. The items that directly relate to the travel of aircraft come first before other items are addressed.

RS2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING THE 4B ECONOMIC DEVELOPMENT CORPORATION'S BYLAWS BY DELETING ARTICLE IV, SECTION 4, EX-OFFICIO MEMBERS.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Article V, Section 6 of the Corporation's Bylaws provides that the "City Council may amend these Bylaws at any time. Such amendments by the City Council will be duly passed and adopted by motion, resolution or ordinance duly reflected in the minutes of the City Council and, thereafter, duly noted to the Board". Currently the Mayor and Mayor Pro Tem serve as ex-officio members. In order to allow the Mayor and/or Mayor Pro Tem to serve as a voting member, the Bylaws must be amended. Any amendment to the Bylaws requires City Council approval.

RESOLUTIONS

RS3. A RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE FOR THE FISCAL YEAR 2019 BUDGET, AS REQUIRED BY CHAPTER 102.007 OF THE LOCAL GOVERNMENT CODE.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 102.007 Subsection (c) of the Local Government Code requires that after the

adoption of a budget that will raise more property tax revenue than the last year's budget, a separate agenda item and vote is required for a City Council to ratify that revenue increase. This agenda item provides for that ratification of the proposed Fiscal Year 2019 General Fund budget, as the tax rate of \$0.804018 remains the same from the prior fiscal year, but property valuation increased by 5.27%, which produces a property tax revenue increase of \$782,154. The increase primarily provides funding for the acquisition of a replacement aerial ladder fire truck and replacement equipment.

ORDINANCES

OR1. *PUBLIC HEARING* AN ORDINANCE REZONING 809 N MAIN ST FROM C3 TO SF4, AS REQUESTED BY CARRELL AND KATHY MCINTOSH, REPRESENTED BY MICHAEL HORAN.

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

BRIEF: The applicant has requested to rezone approximately 1.69 acres from C3 (Commercial District) to SF-4 (Single-Family Dwelling District) for an existing residential home. The Comprehensive Land Use Plan designates the subject property as Central Corridor District. The proposed land use is neither an appropriate or specially permitted use in this District. The Planning and Zoning Commission considered this request at their August 27, 2018 meeting and recommended denial by a vote of 4-3.

OR2. *PUBLIC HEARING* AN ORDINANCE APPROVING PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 6 ACRES IN THE WILLIAM O'NEAL SURVEY, AS REQUESTED BY JAMES BRENT EASDON.

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 six-acre tract of land, generally located east of Westlake Drive, and south of US 67, 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. The public hearings will be held on September 11, 2018 and September 18, 2018, with the adoption of the annexation ordinance scheduled for October 9, 2018.

The applicant has indicated the intent to sell one acre of the six-acre tract for the development of one single-family residential home on the subject property. The subject property is located within the Sustainable Community District, and single-family residential uses are considered appropriate. The adjacent property to the north is currently developed with single-family residential homes, making the proposed land use consistent with the surrounding development patterns. The subject property appears to be adequately served by JCSUD water service.

OR3. *PUBLIC HEARING* AN ORDINANCE RENEWING CHAPTER 130: GENERAL OFFENSES, SECTION 130.18: "CURFEW HOURS FOR MINORS" FOR ANOTHER 3 YEARS.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: State law requires the Juvenile Curfew ordinance be reviewed and renewed every three years, in order to keep it in force.

OR4. AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2018 THRU SEPTEMBER 30, 2019.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: In accordance with Section 6.2 of the City of Cleburne Charter, “Preparation and Submission of Budget”, the City Manager filed the proposed budget on August 9, 2018 and presented it to the City Council at the August 14, 2018 City Council Budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 11, 2018 for adoption of the proposed fiscal year 2019 budget as presented.

The proposed budget for fiscal year 2019 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the March 8, 2018 Council Workshop and the Strategic Plan, which outlines various projects addressing our key focus areas of Economic Development, Planning and Growth Management, Public Infrastructure Enhancements, Aesthetics/Quality of Life Programs, and Information Sharing/Communications.

Revenue:

- No planned tax rate increase
- Continue pursuit of economic development opportunities
- Fee schedule revisions as appropriate
- Forthcoming Water / Waste Water rate modifications
- Identify and implement operational cost savings initiatives
- Pursue grant opportunities
- Public / Private partnership opportunities

Expenditures:

- Continue to invest in our employees
 - Support current compensation plan
 - Address two-year insurance lag for dependents
 - Pay plan adjustments – specific job classifications
- Limited potential for new employees
 - Streets
 - Parks
- Invest in infrastructure, facilities, vehicles and equipment
- Enhance fund balance reserves where possible
- Next phase of design and engineering for sewer treatment plant expansion and renovations

Below are some, but not all, of the major proposed fiscal year 2019 city-wide capital purchases and large operating expenses:

- Replacement of Fire Department aerial apparatus truck
- Replacement sanitation truck
- Replaster the leisure pool at Splash Station

- General vehicle replacement for Police, Fire, and Street Departments
- Update of Parks Master Plan
- Major street repair projects
- Waste Water Treatment Plant expansion engineering
- Façade and downtown building rehabilitation improvement programs

OR5. AN ORDINANCE SETTING THE 2018 AD VALOREM TAX RATE AT A \$0.804018 PER ONE HUNDRED DOLLARS PROPERTY ASSESSMENT AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF CLEBURNE, TEXAS FOR THE OPERATION OF THE MUNICIPAL GOVERNMENT FOR FISCAL YEAR 2019.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. The proposed rate for Fiscal Year 2019 is \$0.804018 per \$100 of valuation, which is the rate presented to the City Council at the August 14, 2018 budget workshop. This rate is unchanged from Fiscal Year 2018, and would be the sixth straight year with this proposed tax rate. The calculated Fiscal Year 2019 effective tax rate is \$0.781899 per \$100 of valuation utilizing the July 25, 2018 certified tax roll.

As the proposed rate of \$0.804018 is higher than the effective tax rate of \$.781899, a city must take several actions for compliance with Chapter 26 of the Texas Property Tax Code. The City Council, must take a record vote to set the time, date and place of two public hearings for public comment on the proposed FY 2019 tax rate prior to the meeting for tax rate adoption. Attached Resolution RS08-2018-62 was approved by City Council on August 14, 2018 setting the two required public hearings. As required by Section 140.010 of the Local Government Code, the attached “Notice of 2018 Tax Year Proposed Property Tax Rate for the City of Cleburne” containing information about the two public hearings was published in the Cleburne Times-Review on Sunday, August 18, 2018. The two public hearings were held on Tuesday, August 28, 2018 at 5:00 p.m. (first required public hearing), and on Tuesday, September 4, 2018 at 5:00 p.m. (second required public hearing).

As a point of reference, the effective tax calculation rate sets the interest and sinking rate (Debt Service rate) at \$0.151364. The remainder of the tax rate of \$0.652654 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the Fiscal Year 2019 tax rate reflects these rates, as required by the effective tax rate calculation.

OR6. AN ORDINANCE ADOPTING A ONE-TIME SENIORITY PAY INCREMENT TO CIVIL SERVICE EMPLOYEES WHO ARE ON THE TOP STEP PLAN FOR THEIR RESPECTIVE RANK ON SEPTEMBER 30, 2018.

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

BRIEF: The City Manager desires to issue a one-time seniority payment to those Civil Service employees who are on the top step of the pay plan for specific ranks on September 30, 2018. This ordinance should not be construed to increase or alter the step pay plans for the fire or police departments.

OR7. 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.

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

BRIEF: The CISD has requested an additional school resource officer. This was presented at the August 14, 2018 council meeting and approved as a part of the budget process. The City of Cleburne is a Civil Service City, which means we are regulated by Section 143 of the Texas Local Government Code. Section 143.021 requires the municipality's governing body to establish classifications by ordinance. The governing body shall prescribe the number of positions in each classification and is referred to as the "Strength of Force Ordinance". The proposed ordinance increases the Police Officer by one to 38 officers with a total department of 55 positions. No changes are being requested to the Fire Department staffing levels. Staff recommends passage of this ordinance.

OTHER COUNCIL MATTERS

OC1. CONSIDER NEW LOGO FOR THE CITY OF CLEBURNE.

Person presenting this item: David Raybuck, Director of Information Technology

BRIEF: The City Council created and charged the Logo Advisory Committee to "using a variety of participation and input methods, the Committee shall engage in a formal process to develop and bring forth to the full City Council no less than two logo designs with corresponding tag lines that identify Cleburne's past while pointing to our future. The logo should be recognizable as representing 'Cleburne' and have the ability to be easily transferable in a variety of uses to include, but not limited to, vehicles, street signs, water towers, wayfaring signs, letterhead, etc. The design should be on that can be applied throughout the city with the intent of creating a formal brand that is easily identifiable and projects a positive image of our community."

The Committee met on June 20, June 25, and Aug. 1. Through its meetings, the Committee established the themes the logo should convey and worked through 99 designs to have graphic designers from around the world submit logos through a contest. The Committee received more than 100 designs and chose one winner and a runner-up. The Committee also looked at modifying the existing logo used for The Depot.

Through this process, the Committee recommends the City Council consider changing the City of Cleburne logo to honor the city's history while projecting its future while remaining uniquely Cleburne.

Committee members include Mayor Scott Chain as Committee Chair, Mayor Pro Tem Dale Sturgeon, Cleburne Chamber of Commerce Board Representative Marty Kelly, Chamber of Commerce staff representative Cathy Marchel, Cleburne ISD board representative John Finnell, Cleburne ISD staff representative Tracy Shea, community representative Brandon Morris, and city staff members.

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. Head Start program building located at 515 Santa Fe Drive, status and breach of ground lease by Texas Neighborhood Services, Inc

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.