



REGULAR CITY COUNCIL MEETING AGENDA
NOVEMBER 13, 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 Reverend Kenny Rigoulot, United Presbyterian Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – Certificate of Recognition – Operation Cleburne Pride

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 OCTOBER 23, 2018 COUNCIL MEETING.

RS1. A RESOLUTION APPROVING THE INVESTMENT REPORT FOR QUARTER ENDING SEPTEMBER 30, 2018.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: For the quarter ended September 30, 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 September 30, 2018, there was \$70,906,917 invested in the four pools with total quarterly interest income of \$378,654. The percentage allocation by investment pool at September 30, 2018 is LOGIC: 31.94%, Texas Class: 31.48%, TexPool: 10.50%, and TexSTAR: 26.08%.

RS2. A RESOLUTION AUTHORIZING CONTRACT WITH REPUBLIC SERVICES FOR SLUDGE TRANSPORTATION AND DISPOSAL SERVICES FOR AN AMOUNT OF \$45.20/TON.

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

BRIEF: Sealed bids were solicited for annual sludge transportation and disposal services for the Wastewater Treatment Plant for an initial 24 month term with three additional one-year options to renew. One bid was received from Republic Services for an amount of \$45.20 per ton, which increased from our expiring contract with the same vendor of \$28.00 per ton.

RS3. A RESOLUTION APPROVING APPLICATION AND ACCEPTANCE OF FUNDS FOR AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR AUTOMATIC CHEST COMPRESSION DEVICES FOR AN AMOUNT OF \$32,730.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: This grant application to the Federal Emergency Management Agency is for \$32,730 to fund automatic chest compression devices for the Fire Department. Proposed equipment will be deployed with both ambulances and will be used to provide continuous CPR for patients experiencing a cardiac event during a transport to the hospital. There is a 10% match required for this grant and the funds are available in the FY 2019 budget.

OR1. AN ORDINANCE AMENDING THE FY 2019 BUDGET (#1) BY APPROVING CM TRANSFERS FOR THE MONTH OF NOVEMBER 2018.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The intradepartmental transfer with the supporting Departmental Line Item Budget Transfer Request form is for the month of November 2018. This transfer is deemed appropriate to be made by the City Manager for City Council approval and is as follows:

- Animal Services - transfer funds to cover the expenses related to repurposing a existing position in the Animal Services department to an Animal Control Officer to provide an increase in service level for Clothing/Uniforms (8322 - \$350), Professional Services Rabies Pre-Exposure (8664-\$1,500), Equipment (8399 - \$250), Training (8684 - \$500).

OC1. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, EASDON'S ACRE (BEING 1.001 ACRE LOCATED AT 1201 WESTLAKE RD); AS REQUESTED BY BRENT & KIMBERLY EASDON, REPRESENTED BY CASEY MADISON.

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

BRIEF: This is a request to create one residential lot. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned IH (Interim Holding District) and the Comprehensive Land Use Plan shows this area to be in the Sustainable Community District. The Planning and Zoning Commission considered this request at their October 22, 2018 meeting and recommended approval by a vote of 6-0.

OC2. APPROVE REPLAT OF LOT 1R, BLOCK 7, MILSTEAD ACREAGE ADDITION (BEING 0.710 ACRE LOCATED AT 146-148 MULBERRY ST); AS REQUESTED BY BILL BRIDGES.

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

BRIEF: This is a request to create one industrial lot. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned M1 (Light Industrial District) and the Comprehensive Land Use Plan shows this area to be in the Industrial Targeted Development District. The Planning and Zoning Commission considered this request at their October 22, 2018 meeting and recommended approval by a vote of 6-0.

OC3. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, TMN ADDITION (BEING 2.0 ACRES LOCATED AT 608 W INDUSTRIAL BLVD); AS REQUESTED BY CHAD NORRIS.

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

BRIEF: This is a request to create one industrial lot. This plat meets all platting requirements set in the City's Ordinance. The subject property is zoned M2/SUP (Heavy Industrial District with a Specific Use Permit for Collection Center- Recycle Primary) and the Comprehensive Land Use Plan shows this area to be in the Industrial Targeted Development District. The Planning and Zoning Commission considered this request at their October 22, 2018 meeting and recommended approval by a vote of 6-0.

RESOLUTIONS

RS4. A RESOLUTION AUTHORIZING 380 AGREEMENT WITH GARZA GROUP LLC FOR DOWNTOWN BUILDING REHABILITATION REIMBURSEMENT GRANT FOR PROPERTY LOCATED AT 214 E CHAMBERS ST FOR AN AMOUNT OF \$20,086.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Garza Group, LLC has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program ("Program") in the amount of \$20,086.00 to be used toward the cost of a renovation project on their building located at 214 E. Chambers Street. This project includes installation of a new HVAC system, construction of two ADA-compliant restrooms, new plumbing & electrical, new office space, flooring, interior doors, framing, and hardware. Total cost of this project is \$51,026.00. Under the terms of the Program,

matching funds of 50% of total project cost or \$25,000, whichever is less, would normally be available if the application is approved. In this case, however, only \$20,086.00 remains in the budget for this program so that is the maximum reimbursement amount available for this fiscal year.

ORDINANCES

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 2010 & 2024 E HENDERSON ST (BEING 11.09 ACRES IN THE D. KING SURVEY) FROM C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY JCW MCGHEE, REPRESENTED BY WILLIAM BROWN.

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

BRIEF: The applicant is proposing a delivery area for customers to stay overnight and get acquainted with their newly purchased RV and minimize service related issues for the company. The proposed site plan shows fifty (50) gravel pad sites. The pad sites will have water and electricity but no sewer connection. The Comprehensive Land Use Plan shows this area to be located within the Approach Corridor District. Retail/Commercial uses are considered appropriate in this district. The applicant has provided a conceptual site plan and the Planning and Zoning Commission recommended approval with a vote of 5 to 1 with some conditions detailed in the staff action report attached.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 42.99 ACRES IN C. CHANEY SURVEY (GENERALLY LOCATED NORTH OF 1601 E HENDERSON ST, SOUTH OF CR 805 AND WEST OF FERGASON RD); FROM IH (INTERIM HOLDING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY MKP & ASSOCIATES, INC.

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

BRIEF: The applicant is requesting to rezone approximately forty-three (43) acres with the intent to develop a residential subdivision. The applicant has proposed to construct 181 single-family residential lots and forty (40) townhome lots, for a total of 221 residential lots. The Comprehensive Land Use Plan designates the subject property as Future Traditional Neighborhood District (TND) and single-family uses are listed as an appropriate use. The applicant has provided a development and conceptual site plan and the Planning and Zoning Commission recommended approval with a vote of 5 to 1 with some conditions detailed in the staff action report attached.

OR4. AN ORDINANCE ACCEPTING BIDS AND APPROVING SALE OF FIVE PROPERTIES ACQUIRED AT DELINQUENT TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE RESALE DEEDS; AUTHORIZING THE RELEASE OF ALL LIENS AND ENCUMBRANCES HELD BY THE CITY FOR PROPERTY LOCATED AT 299 E WILLINGHAM ST, 511 E WILLINGHAM ST, 607 E WILLINGHAM ST, 615 E WILLINGHAM ST AND 302 OLIVE ST.

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 certain tracts of real estate at Sheriff's sales. It is in the best interest of the City and its taxpayers to return these properties to a productive use, therefore, staff requested Perdue Brandon Fielder Collins & Mott, LLP to conduct a resale. Received bids were opened on September 28, 2018 and the results are as follows:

- **299 East Willingham Street**, to the high bidder Martha Miranda in the amount of \$12,500 and the City is to receive \$3,743.68 in maintenance fees, \$1,553.30 in back taxes and \$1,098.26 in excess funds
- **511 East Willingham Street**, to the high bidder Martha Miranda in the amount of \$7,500 and the City is to receive \$1,689.72 in maintenance fees, and \$1,100.08 in back taxes
- **607 East Willingham Street**, to the high bidder David Davenport in the amount of \$3,787 and the City is to receive \$2,879.37 in maintenance fees
- **615 East Willingham Street**, to the high bidder Martha Miranda in the amount of \$7,500 and the City to receive \$3,046.95 in maintenance fees and \$862.93 in back taxes
- **302 Olive Street**, to the high bidder Zachary Thompson in the amount of \$4,500; City to receive \$3,046.90 in maintenance fees

The total amount to be received by the City is \$14,406.62 in maintenance fees, \$3,526.31 in back taxes and \$1,098.26 in excess funds.

OR5. AN ORDINANCE GRANTING VARIANCE TO CONSTRUCTION OF CURB & GUTTER FOR PROPERTY LOCATED AT 1000 N BORDER ST, AS REQUESTED BY AZUL ROCK PROPERTIES, REPRESENTED BY RAY ANDERSON.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: This is a request to waive the installation of curb and gutter. The ordinance requires curb and gutter be installed with all new construction. No curb and gutter exists on the adjoining lots. This public improvement is not anticipated in the foreseeable future. The applicant has requested to waive this requirement in conjunction with the construction of a new duplex. The zoning for this lot is MF (Multiple-Family Housing District), and North Border Street is not a school access street. Therefore, sidewalk installation at this lot is not required by ordinance and sidewalks are not included in this waiver request.

OR6. AN ORDINANCE GRANTING VARIANCE TO CONSTRUCTION OF CURB & GUTTER FOR PROPERTY LOCATED AT 1236 E JAMES ST, AS REQUESTED BY GARZA GROUP CUSTOM HOME & REAL ESTATE, REPRESENTED BY COLBY GARZA.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: This is a request to waive the installation of curb and gutter. The ordinance requires curb and gutter be installed with all new construction. No curb and gutter exists on the adjoining lots. This public improvement is not anticipated in the foreseeable future. The applicant has requested to waive this requirement in conjunction with the construction of a new single-family home. The zoning for this lot is SF-4 (Single-Family Dwelling District), and E. James is not a school access street. Therefore, sidewalk installation at this lot is not required by ordinance and sidewalks are not included in this waiver request.

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. Discuss City of Cleburne, Texas and Johnson County, Texas v. Texas Commission on Environmental Quality

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.