



REGULAR CITY COUNCIL MEETING AGENDA

DECEMBER 8, 2015

5:30 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:

- ✓ Dan O'Leary, Interim City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Ivy Peterson, Deputy City Secretary
- ✓ Fritz Quast, City Attorney

Division Directors:

- ✓ Burton Barr, Community Services
- ✓ Courtney Coates, Public Works
- ✓ Clint Ishmael, Fire Services
- ✓ Rob Severance, Police Services
- ✓ Terry Leake, Finance
- ✓ Debra Powledge, Human Resources

Department Heads:

- ✓ Willie Resto, Information Technology

Media:

- ✓ Matt Smith, Times-Review

II. INVOCATION by Pastor Kenny Rigoulot, United Presbyterian Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- Lifesaving Award – Corporal Robert Sigler, Cleburne Police Department
- Presentation – STARS Award – Julie Winchell, Environmental Department

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns not posted on the agenda. The City Council may take no action during this portion of the agenda. The Council may only ask clarifying questions or direct staff to take appropriate action. Each person will be allowed five minutes to comment on any particular subject. No more than two persons will be allowed to comment on any particular subject, one in favor and one against. All persons desiring to make comments under this section must sign a card prior to the council meeting identifying themselves and the topic they desire to address.

VI. CITY SECRETARY READS THE [GUIDELINES](#) TO SPEAK BEFORE COUNCIL

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 NOVEMBER 10, 2015 REGULAR COUNCIL MEETING.

M2. APPROVAL OF MINUTES FOR THE NOVEMBER 12, 2015 SPECIAL COUNCIL MEETING.

BQ1. AUTHORIZE PURCHASE OF PLAYGROUND EQUIPMENT FROM GAMETIME BY TOTAL RECREATION PRODUCTS, INC (A BUYBOARD CONTRACTOR) FOR AN AMOUNT OF \$284,122.67.

Person presenting this item: Burton Barr, Director of Parks and Recreation

BRIEF: This playground equipment will replace existing playground equipment at Hulen and Carver Parks. This vendor (GameTime by Total Recreation Products, Inc.) was awarded the BuyBoard contract (#423-13) for this equipment, so all competitive purchasing requirements have been met. Additionally, this vendor was offering matching grant funds in the amount of \$57,497.04 towards the purchase of new playground equipment. This purchase was discussed with Council and was included in the 2015-2016 General Fund (01) Budget for an amount not to exceed \$300,000.00.

RS1. A RESOLUTION AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR RICK'S AUTOMOTIVE, INC PROVIDING ROTATION WRECKER SERVICES IN 2016.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Rick's Wrecker Services is requesting the renewal of a Certificate of Public Convenience & Necessity to provide wrecker services in the City of Cleburne for the year 2016 and placement on the Police Rotation List. All required applications, inspections, certificates and fees have been submitted as required.

RS2. A RESOLUTION AUTHORIZING RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LONESTAR COLLISION PROVIDING ROTATION WRECKER SERVICES IN 2016.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Lonestar Collision is requesting the renewal of a Certificate of Public Convenience &

Necessity to provide wrecker services in the City of Cleburne for the year 2016 and placement on the Police Rotation List. All required applications, inspections, certificates and fees have been submitted as required.

RS3. A RESOLUTION AUTHORIZING APPLICATION TO AND CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN AIRPORT DEVELOPMENT GRANT FOR A MAXIMUM REIMBURSEMENT UP TO \$300,000.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: This grant is a 90/10 match that allows the Municipal Airport to use the Federally Assisted Airport Development Grant from the Federal Aviation Administration. The funds that will be used are from FY14 and FY15. The grant funds will reimburse the airport for design and construction of the north hangar apron for Hangar 98.

OC1. APPROVAL OF ACCOUNTS PAYABLE FOR THE MONTH OF OCTOBER 2015.

Person presenting this item: Terry Leake, Director of Finance

RESOLUTIONS

RS4. A RESOLUTION ADOPTING A FINANCING PLAN FOR THE DEPOT STADIUM AT CLEBURNE STATION AND DIRECTING STAFF TO ISSUE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$25,000,000 TO FUND THE PROJECT.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On November 3, 2015, the voters of Cleburne authorized the adoption of a ½ cent sales tax through a Type A Economic Development Corporation election and the issuance of \$25,000,000 in general obligation bonds to finance The Depot Stadium ballpark project. On November 12, 2015, the Board of Directors of the Cleburne Type A Economic Development Corporation met and approved the financial plan for the stadium project with the following goals and strategy:

Financial Plan goals:

- **Purchase land**
 - Site of minor league baseball stadium
 - Adjacent land for economic development
- **Construct offsite and onsite utilities, parking and amenities**
- **Construct a minor league baseball stadium**

Implementation Strategy:

- **Funding Source – Type A Economic Development Corporation ½ cent sales tax**
 - Type A Corporation will contract and transfer funds for
 - Project debt service
 - Project maintenance, if needed

- **Debt Issuance – \$25 million City of Cleburne Taxable General Obligation Bonds**
 - Utilize the City’s high investment grade general obligation ratings (S&P “AA”, Moody’s “Aa3” and Fitch “AA-”) to fund the project cost efficiently and effectively
 - 20 year amortization
 - \$2.175 million = average annual debt service
- **Method of Repayment - Contract between the City and Type A Corporation allocating Type A sales tax revenues to Project debt and maintenance**
 - \$2.8 million estimated Type A annual sales tax based on current City sales tax collections
 - \$580 thousand estimated excess Type A sales tax available for other Type A economic development projects

The resolution provides for the adoption of the financing plan that was adopted by the Type A Economic Development Corporation Board of Directors and directs staff to proceed with the issuance of general obligation bonds in January 2016.

RS5. A RESOLUTION AUTHORIZING AGREEMENT COMMITTING THE CITY OF CLEBURNE TO COLLECT AND DISBURSE THE ½ CENT ECONOMIC DEVELOPMENT SALES TAX AS AUTHORIZED BY THE NOVEMBER ELECTION TO THE CLEBURNE TYPE A ECONOMIC DEVELOPMENT CORPORATION.

Person presenting this item: Dan O’Leary, City Manager

BRIEF: The Texas Comptroller will collect the new ½ cent sales tax and remit it to the City of Cleburne. This agreement creates the procedure for the City to remit to the Type A Corporation their ½ cent sales taxes collected.

RS6. A RESOLUTION AUTHORIZING AGREEMENT WITH THE CLEBURNE TYPE A ECONOMIC DEVELOPMENT CORPORATION TO MAKE PRINCIPAL AND INTEREST PAYMENTS ON THE DEBT ISSUED TO CONSTRUCT THE DEPOT STADIUM AT CLEBURNE STATION AND ACCOMPANIED INFRASTRUCTURE WITH COLLECTED SALES TAX.

Person presenting this item: Dan O’Leary, City Manager

BRIEF: The voters of Cleburne approved ballot items regarding the creation of the Type A Corporation, the collection of a sales tax and permission to sell a \$25 million bond to build the stadium. This agreement puts into place the structure to use the new Type A sales tax to fund the \$25 million debt service and to commit to providing funds for future maintenance of the facility. This is a contract between the City of Cleburne and the Type A Corporation.

RS7. A RESOLUTION AUTHORIZING CONTRACT WITH ENERGY BY 5, AN ENERGY ADVISORY AND BROKERAGE FIRM.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: On January 1, 2002, Texas deregulated electric service. In 2001, the City of Cleburne

joined the Cities Aggregation Power Project (CAPP) to leverage the best prices under the electric deregulation law. CAPP merged with South Texas Aggregation Project in 2011 to form the Texas Coalition for Affordable Power (TCAP). Over the past decade, member cities of TCAP have saved as much as 20% off the average retail energy rate. In addition to securing electric service for member cities, TCAP also provides legislative and rate case support to its member cities.

On November 23, 2010, City Council authorized the City Manager to sign a power purchase agreement with TCAP after rates were negotiated by TCAP and an electricity provider. The City Manager signed a Letter Agreement with TCAP on April 27, 2011 authorizing TCAP to enter into an agreement to purchase electricity for the member cities. The power purchase contract is known as the Blend and Extend Contract and terminates on December 31, 2017. The Energy Price negotiated is \$0.07445 per kWh for the term of the contract.

City staff began reviewing the service offerings of several advisor companies in August 2015 to discuss the options of reducing the City's electric costs and managing usage of electricity. While all advisors offered very comparable pricing, Energy By 5 ("5") has far more service options to assist the City with cost savings. 5 is an energy advisor and electricity broker for many local governments. Some of their city clients were also members of TCAP prior to using 5 as their energy broker. Attached is a list of the energy consultants reviewed and the difference in service levels offered.

As an electricity broker, 5 would present the best option for purchasing electricity. Their process includes reviewing supplier pricing, determining the type of generation, researching the financial stability of suppliers, and customer reviews. 5 would help the City manage risk in fluctuating prices, contract language, term of the purchases, and supplier stability. Additional actions as a broker include phone interviews and in-person interviews with suppliers and tracking suppliers' prior market experience.

The City's current rate for electricity is \$0.07445 per kilowatt hour. The current market, with a 48 month purchase contract beginning after the ending term of the City's current power purchasing agreement, would result in approximately a 3.25 cent decrease from the City's current rate. This decrease represents approximately \$1.7 million in reduced electricity costs over the term of the contract. 5 is compensated through the supplier that successfully contracts for the City's electricity supply. No fees are paid to 5 by the City.

As an energy advisor, 5 would provide a plethora of services to the City including:

- Point of contact between the City and the electricity supplier
- Assist with electricity budget forecasts
- Review electric invoices for contract compliance
- Assess the City's options for power factor correction
- Assist with enrolling in the demand response program with ERCOT
- Develop energy usage strategies for current facilities
- Provide conservation/efficiency recommendations for new construction, renovation, and reconstruction projects.

Staff recommends City Council authorize the City Manager to collaborate with Energy By 5, an energy advisory and brokerage firm, in order to procure energy services and give the City Manager the authority to enter into a contract with an energy provider to take advantage of near historic market lows in pricing that will be effective with the TCAP contract period ends on December 31, 2017. Section 252.022 of the Local Purchasing Code exempts procurement of

utility services from the formal bidding process; so all competitive purchasing requirement have been met.

RS8. A RESOLUTION AUTHORIZING CONTRACT WITH CRAFCO TEXAS, INC FOR SUPPLY OF ROAD SEALING PRODUCTS AND RENTAL EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$85,000.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: This contract includes products for crack sealing, repairs of cracks too large to crack seal but too small to patch and concrete patching. Utilizing Crafcro products allows the use of Crafcro equipment free of charge, which is a cost savings to the City of \$5,000 per month. The quote from Maxwell shows they charge less per pound for their product but when the cost of equipment rental, delivery fee, and freight are included in the price, Crafcro is a better value and provides a significantly higher level of technical support and customer service. Crafcro offers a full line of pavement repair and management products and is the sole distributor for all their products, so all competitive purchasing requirements have been met. The other companies do not offer a full line of products and therefore, staff recommends the contract be awarded to Crafcro Texas, Inc.

RS9. A RESOLUTION AUTHORIZING CONTRACT AMENDMENT WITH CHILDRESS ENGINEERS FOR THE JOHNSON COUNTY SPECIAL UTILITY DISTRICT WATER CONNECTION FOR AN ADDITIONAL COST OF \$300,534.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: Due to changes in the long range water plan for the City's water supply, there is a substantial change in the scope of the original project. Changes to the project include changing the route to deliver potable water purchased from JCSUD to the Mt. Carmel elevated storage tank and to the distribution line near Hwy 174 at Lane Prairie Road. The project will include construction and testing of a larger ground storage tank, larger pump station and water transmission lines, valves, encasements and other appurtenances. These changes will result in an additional \$282,494 in basic engineering services and \$18,040 in special engineering services for a total addition of \$300,534 bringing the total contract to \$1,247,834.

RS10. A RESOLUTION AUTHORIZING ENGINEERING SERVICES CONTRACT WITH CHILDRESS ENGINEERS FOR THE MANN DETENTION POND 2 FOR AN AMOUNT OF \$160,000.

Person presenting this item: Courtney Coates, Director of Public Works

BRIEF: A regional detention pond is needed that will be constructed east of Woodruff Road and north of Marie Street. The pond will sufficiently handle the detention needs for any development north of the pond site and bounded by Nolan River Road to the west, US Hwy 67 to the north, and State Hwy 171 to the east. Basic engineering services are \$52,000 and special engineering services that include surveying, geotech, hydraulic modeling, permitting and resident representative are \$108,000 making the total contract \$160,000.

OTHER COUNCIL MATTERS

OC2. APPOINTMENTS TO THE AIRPORT ADVISORY BOARD.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Ms. Michelle Kennon completed her 2nd term on the Airport Board in September. Also, Mr. John Rollen completed his 1st term in October, but due to another commitment he is not able to serve a second term. Staff recommends that Mr. Cliff Holden and Mr. Russ Gibson be considered for these vacancies on the Board.

OC3. CONFIRM APPOINTMENT OF PEDRO MUNOZ TO THE CLEBURNE POLICE RESERVE FORCE.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Chief Severance and Commander Hubler request the confirmation of appointment of ex-Cleburne PD officer Pedro Munoz to the Police Reserve Force, thereby permitting him to carry a weapon and act as a peace officer at all times, in accordance with Texas Local Government Code 341.012 and Cleburne City Ordinance 33.03.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss the purchase of additional server backup equipment – Jody Hoover
- A. Discuss update on sign ordinance, presented by Mosaic Planning and Development Services – Courtney Coates

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:

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.