



REGULAR CITY COUNCIL MEETING AGENDA

JULY 25, 2017

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, Mayor Pro Tem
- ✓ Gayle White, SMD 2
- ✓ Dale Sturgeon, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Shelly Doty, City Secretary
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Rev. Eddie Scheler, Ascension Lutheran 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 11, 2017 COUNCIL MEETING.

RS1. A RESOLUTION AUTHORIZING THE SECOND ONE-YEAR EXTENSION TO DEPOSITORY AGREEMENT WITH FIRST FINANCIAL BANK EFFECTIVE THROUGH JUNE 30, 2018.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The depository contract was awarded to First Financial Bank in June 2014 for two years with the option of three one-year extensions. This would be the second of the one-year extensions. First Financial Bank has continued to provide excellent service to the City during prior and current contract periods.

OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2017.

BIDS & QUOTES

BQ1. AUTHORIZE AN EMERGENCY PURCHASE AND INSTALLATION FROM WALLACE CONTROLS & ELECTRIC FOR A VARIABLE FREQUENCY DRIVE FOR THE WATER TREATMENT PLANT IN THE AMOUNT OF \$76,800.00 AND DECLARING THE PURCHASE AN EMERGENCY UNDER THE PROVISIONS OF SECTION 252.022 (2) OF THE LOCAL GOVERNMENT CODE.

Person presenting this item: Keith Fisher, Director of Public Works

BRIEF: One of the variable frequency drives that powers the pump motor at varying speeds depending on demand at our water treatment plant is in need of replacement. Due to the time of year when demand usage of water is at its peak, this equipment must be replaced as soon as possible to maintain water delivery to customers. The vendor for this project is Wallace Controls & Electric of Meridian, Texas (attached quote).

This expenditure is necessary for reliability in pumping water to customers during the highest demand period of the year. Per Section 252.022 (2) of the Local Government Code, there is an exemption from bidding requirements when “a procurement necessary to preserve or protect the public health or safety of the municipality's residents”. This is deemed an emergency purchase under those provisions of the Local Government Code. Normal competitive purchasing procedures do not apply to emergency purchases.

RESOLUTIONS

RS2. A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED, FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: Oncor Electric Delivery Company “Oncor” filed an application (see exhibit) on or about March 17, 2017 seeking to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. As Cleburne has retained original

jurisdiction over rates, Oncor asked the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for Oncor since January, 2011.

On April 11, 2017, the City Council approved Resolution RS04-2017-29, suspending the April 21, 2017 effective date of the Oncor's rate increase for the maximum period permitted by law (90 days). This allowed the City, working in conjunction with the Steering Committee, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue. The Steering Committee, which is comprised of 158 Texas cities including Cleburne, has been in existence since the late 1980's and has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

The Steering Committee engaged the services of three rate consultants, Mr. Lane Kollen, Mr. Richard Baudino, and Mr. Karl Nalepa, to review Oncor's filing. The consultants identified numerous unreasonable expenses and propose significant reductions to the Oncor's request. Accordingly, the Steering Committee's attorneys recommend that all members adopt the attached Resolution denying the rate change. Once the resolution is adopted, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas where the appeal will be consolidated with Oncor's filing (i.e. PUC Docket No. 46957) currently pending at the Commission.

Some points of note in the proposed resolution are:

- This paragraph finds that the Oncor's application is unreasonable and should be denied.
- This section states that Oncor's current rates shall not be changed.
- Oncor will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the Cities will submit monthly invoices that will be forwarded to Oncor for reimbursement.

RS3. A RESOLUTION AUTHORIZING AN OPERATING LEASE AGREEMENT WITH EZ-GO, A TEXTRON COMPANY, THROUGH BUYBOARD CONTRACT #447-14 TO PROVIDE GOLF CARTS FOR THE MUNICIPAL GOLF COURSE FOR A TOTAL AMOUNT NOT TO EXCEED \$501,327.60.

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

BRIEF: This contract through EZ-GO would provide necessary golf carts for the patrons of Cleburne Golf Links. This contract would be a five year operating lease with monthly payments of \$7,755.46. This lease agreement will provide (75) RXV Elite golf carts, (2) utility maintenance carts, (1) beverage service cart, and (1) driving range cart. Additionally, property taxes are estimated to total \$36,000 over the term of the lease. This contract also provides a full warranty for the cart fleet for the duration of the lease. By utilizing lithium ion battery technology as opposed to traditional lead acid batteries, electrical and labor costs to maintain the cart fleet will be reduced significantly. This lease agreement has been competitively bid per BuyBoard contract #447-14, so all competitive purchasing requirements have been met.

RS4. A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES

AGREEMENT WITH FREESE AND NICHOLS FOR THE PRELIMINARY DESIGN, REGULATORY PERMITTING AND PERMIT APPLICATION FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT FOR AN AMOUNT NOT TO EXCEED \$400,000.

Person presenting this item: Keith Fisher, Director of Public Works

BRIEF: The City of Cleburne has exceeded 75% capacity of their existing Wastewater Treatment Plant, and growth in plant flows indicate the plant could exceed 90% capacity as early as 2019. In addition to the flow increases at the plant, the City has recently completed a condition assessment of the plant identifying several high priority improvements needed to maintain plant capacity and permit compliance within the existing facility. The results of these evaluations and recommendations have been documented in the City's 2016 Wastewater Master Plan (WWMP), identifying future growth needs for the entire system, including the treatment plant.

The scope of work for this project is to conduct the preliminary design, regulatory coordination and TPDES permit application for the upcoming plant expansion. It is anticipated that the plant expansion will need to be under construction by 2019 to meet the anticipated compliance date for the TCEQ 90% rule.

Funding for this project will be from Series 2015 Water and Sewer Revenue Bonds.

RS5. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AND SERVICE AGREEMENT FOR THREE MULTI-FUNCTION DEVICES (COPIER, PRINTER, AND SCANNER) WITH NEVILL DOCUMENT SOLUTIONS FOR AN AMOUNT NOT TO EXCEED \$54,240.

Person presenting this item: David Raybuck, Information Technology Director

BRIEF: In March, the City Council approved a lease and service agreement with Nevill Document Solutions for 14 multifunction devices in use throughout the city. Upon further review of the lease terms and termination costs with our previous vendor, Konica Minolta, along with additional multifunction device needs in three departments, we have an opportunity to replace three more old devices that require renewal in early 2018 while avoiding \$26,295.83 in buyout/return fees with Konica Minolta. This requires us to enter into a new 60-month lease and service agreement with Nevill Document Solutions at a monthly amount of \$904, and a total amount over 5 years not to exceed \$54,240. Nevill Document Solutions is a Texas Department of Information Resources (DIR) Cooperative vendor, so all competitive purchasing requirements have been met. Additionally, Nevill Document Solutions was the lowest bidder of the four who responded to our Request for Quotes earlier this year for the 14 new multifunction devices. This contract will be executed immediately upon approval and will end in July, 2022.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* APPROVE REPLAT OF LOT 8R, BLOCK 255, CHANDLER ADDITION (BEING 0.41 ACRE TRACT, LOCATED AT 610 ROBBINS STREET); AS REQUESTED BY ANTWANETTE CHANDLER.

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

BRIEF: The Planning and Zoning Commission considered this at its July 10, 2017 meeting. The purpose for this replat of Chandler Addition is to convert two lots into one lot for the future construction of one single family residential home. The subject property is zoned SF-4 – Single Family Residential District, and the Comprehensive Land Use Plan shows this area and surrounding area to be in the City Center East District. P&Z recommended approval with the addition of the minimum finished floor elevation being added to the plat by a vote of 4-0.

OC3. APPROVE FINAL PLAT OF LOT 1, BLOCK 1, JOHNSON COUNTY DISTILLERY (BEING 1.188 ACRES LOCATED AT 1655 S MAIN ST), AS REQUESTED BY US BACKHAULER INC, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: The Planning and Zoning Commission considered this at its July 10, 2017 meeting. The purpose for this final plat of Johnson County Distillery is to create one lot for the use of a whiskey distillery. The subject property is zoned M1 – Industrial District, and Comprehensive Land Use Plan shows this area and surrounding to be Community Commercial District also known as Local Node District. P&Z recommended approval of the plat with a vote of 4-0.

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. Pending litigation with Michael Tidwell

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.