



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 9, 2019

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 Pastor Neale Oliver, Henderson Street Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Proclamation – National Library Week, April 7-13, 2019
- ☆ Proclamation – National Telecommunicator's Week, April 14-20, 2019
- ☆ Presentation – Introduction of Troy Lestina as new Director of Finance
- ☆ Presentation – Cleburne Station Update – Daryn Eudaly, New Era Partners

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 MARCH 26, 2019 COUNCIL MEETING.

BQ1. AUTHORIZE THE PURCHASE OF THREE OFFSITE STORAGE UNITS FROM QUALITY STORAGE BUILDINGS TO HOUSE COLLECTIONS FOR THE LAYLAND AND RAILROAD MUSEUMS FOR AN AMOUNT NOT TO EXCEED \$23,695.92.

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

BRIEF: The purpose of this item is to purchase three offsite storage units from Quality Storage Buildings, to house various collection items for the Railroad Museum during the Railroad Museum expansion project construction phase. During this phase all items stored at the Railroad Museum will need to be removed from the building and due to the limited storage available at the Smith Historical Center and the Layland Museum, these items will need a new storage location. During the Fiscal Year 2019 budgeting process, the funding of these units was divided between 4B (\$18,150) and the General Fund (\$6,050). This item has been competitively bid through Public Purchase (#01172019). This item was presented to the 4B Economic Development Board on March 21, 2019 and approved unanimously (7-0). The storage units will be placed at 1701 Park Boulevard near the Parks Shop area. This facility is gated and secured; additionally the storage units will have locking mechanisms to deter theft. The collections donated to the City of Cleburne from the Layland Family will not be stored in this offsite storage.

RS1. A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF HURST, TEXAS FOR COOPERATIVE PURCHASING.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The City of Cleburne and the City of Hurst desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by both governmental entities. The City of Cleburne and the City of Hurst will engage in the purchase of items and services that are used by both entities and as jointly agreed upon by the purchasing officers of both entities. As a general rule, the governmental entity that used the most of a particular commodity or service will be the lead agent in making a joint purchase. Each entity will be responsible for payment of its portion of the proportionate purchase costs directly to the vendor.

RS2. A RESOLUTION AUTHORIZING A LAND LEASE AGREEMENT WITH WILSON LAND AND CATTLE FOR HARVESTING HAY AT THE CLEBURNE REGIONAL AIRPORT FOR A 5-YR TERM.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Request for formal bids to harvest hay at the Cleburne Regional Airport were sought and opened on March 12, 2019. One bid was received from Brian Wilson of Wilson Land and Cattle. The bid is for \$5.00 per acre per year, or \$1,450.00 per year. The airport has 470 acres

that is currently maintained by mowing. We have a tractor and batwing mower that during the mowing season is used daily to maintain the property. There have been times when the mowing is not caught up until the fall when the grass is dormant. The airport does not currently have an agreement for hay production. If approved, the hay lease will enable staff to concentrate on other maintenance items, save on the wear and tear of our equipment and time staff has to spend on the tractor instead of serving our customers. The lease is for 5 (five) years and includes approximately 290 acres. We can terminate the lease if we desire to use any of the leased premises, we would just have to refund the lessee a pro-rata portion of the paid lease. If the lessee discontinues operations, defaults, or fails to abide by applicable laws the lease may be terminated. Lessee is responsible for any damages they may cause to the airport property and will carry insurance to cover damages. There are areas that are not included in the lease, lessee will be given instruction on how to operate in the terminal environment will notify the airport when operating within the fenced in areas and have a radio to be aware of aeronautical activities.

RS3. A RESOLUTION AUTHORIZING AGREEMENT WITH HUB INTERNATIONAL (IPS ADVISORS) FOR HEALTH AND WELFARE BENEFITS CONSULTING SERVICES.

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

BRIEF: As health care costs continue to rise, and legislative and economic changes alter the benefit landscape, the City of Cleburne continues to seek innovative and cost-efficient employee benefits solutions. The City must continue cost management, including strong vendor management and sound plan design. The City of Cleburne requested proposals for health and welfare benefits as the current service agreement was set to expire. There were 8 interested vendors submit an RFP. Based upon qualifications, experience, pricing, and services provided, the City of Cleburne staff recommends that the City enter into a service agreement with HUB International. The term for this agreement is for 3 years with option to renew for two additional one year terms. HUB will be compensated by receiving 1% commission from the health insurance carrier for service rendered. HUB will not charge for expenses and will not accept any contingent compensation from contracted providers.

The recommended employee benefits consultant, HUB International will provide consulting relating to all of the City's health plans and wellness initiatives to improve outcomes and Health and Welfare Benefits Consulting Services This includes optimizing the City's health and welfare benefit plan designs as compared to market and making recommendations to address the City's specific benefits and financial requirements. This employee benefits consulting services will consist of compliance auditing and implementation, actuarial analytics and consulting, strategic consulting and implementation, and account management to include monthly and quarterly reporting, review, and analysis.

OC1. APPROVE PRELIMINARY PLAT OF CERTAIN LOTS OF BLOCKS 1-7, THE VILLAGES AT MAYFIELD (BEING 42.87 ACRES, GENERALLY LOCATED NORTH OF 1601 EAST HENDERSON STREET, SOUTH OF COUNTY ROAD 805, AND WEST OF FERGASON ROAD; AS REQUESTED BY AL MCNATT FAMILY PARTNERSHIP LTD; REPRESENTED BY ERIC DUMAS.

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

BRIEF: This is a request to create 245 residential lots and six open space lots. The subject property is zoned PD (Planned Development District) and the Comprehensive Land Use Plan shows this property to be located in the Future Traditional Neighborhood District. As submitted, this plat meets all minimum requirements of the PD District (Ordinance OR11-2018-88) and platting requirements of Chapter 154 of the Code of Ordinances. The plat also meets the intent of the Comprehensive Land Use Plan. The Planning and Zoning Commission considered this request at their March 25, 2019 meeting and recommended approval by a vote of 6-0.

RESOLUTIONS

RS4. A RESOLUTION AUTHORIZING AN AGREEMENT WITH YEADON DOMES, A SOLE-SOURCE VENDOR, FOR REPLACEMENT OF THE AIR SUPPORTED DOME AND ASSOCIATED ACCESSORIES FOR THE SPLASH STATION COMPETITION POOL FOR AN AMOUNT NOT TO EXCEED \$116,854, PENDING CLEBURNE INDEPENDENT SCHOOL DISTRICT APPROVAL.

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

BRIEF: This purchase will replace the air-supported dome at Splash Station and LED lighting inside the dome. On December 7, 2017, the dome was vandalized and it was determined by the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) to be a complete loss. Yeadon Domes is the original manufacture of the dome and is listed on our blueprints and renderings. Yeadon Domes will construct the new dome utilizing an exterior Tedlar 28oz PVDF coated vinyl membrane, an interior Tedlar 14oz. vinyl coated polyester. The cost for the new dome is anticipated to be \$116,854. Additionally, eight new LED pole mount quad assemblies will be purchased and mounted on existing poles and bases.

RS5. A RESOLUTION AUTHORIZING A CONTRACT WITH RPGA DESIGN GROUP, INC FOR PROFESSIONAL SERVICES, INCLUDING ARCHITECTURAL, ENGINEERING AND CONSTRUCTION OVERSIGHT FOR THE CLEBURNE RAILROAD MUSEUM EXPANSION PROJECT FOR AN AMOUNT NOT TO EXCEED \$635,000.

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

BRIEF: On October 9, 2018 the Cleburne City Council created and charged the temporary Railroad Museum Advisory Committee to make recommendations to the City Council regarding the construction, improvement and expansion of the Railroad Museum. Sealed bids were solicited for the Expansion of the Railroad Museum Project. Bids were received from three (3) firms (see action form for scoring). The Advisory Committee reviewed the bids, verified references, and interviewed the three (3) firms. The firm with that highest overall score was RPGA Design Group. The anticipated completion date is between 20-22 months from acceptance of the firm.

RS6. A RESOLUTION REQUESTING AUTHORIZATION FROM THE TEXAS WATER DEVELOPMENT BOARD TO REPURPOSE PROCEEDS FROM THE LAKE

WHITNEY SUPPLY PROJECT TO THE CITY'S WASTEWATER TREATMENT PLANT EXPANSION PROJECT.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The City previously requested financial assistance from the Texas Water Development Board (TWDB) under the Water Infrastructure Fund program (WIF) for the City's Lake Whitney Water Supply Project. In 2009, the City received financial assistance from the WIF for the City's Lake Whitney Water Supply Project for a deep water intake structure, diversion pump station and a raw water pipeline, and issued the \$4,750,000 City of Cleburne, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B purchased by TWDB. In 2013, the City also received financial assistance from the WIF for the City's Lake Whitney Water Supply Project for land acquisition, related acquisition services, planning and environmental, and issued \$2,380,000 City of Cleburne, Texas Waterworks and Sewer System Revenue Bonds, Series 2013 purchased by TWDB.

Currently, the City has unspent bond proceeds along with investment earnings in the construction escrow account for the Series 2009B Bonds (\$3,153,776.93), and unspent bond proceeds in the construction escrow account for the Series 2013B Bonds (\$2,305,739) totaling \$5,459,516.09. As was discussed with City Council at the March 7, 2019 workshop, it has been determined that the completion of the Lake Whitney Water Supply Project is not in the best interest of the City in the near future. There are other better and less expensive sources to meet future water supply needs when compared with the overall cost of that Lake Whitney Water Supply Project. Those sources of water include the West Loop Reuse project that is a companion project to the Wastewater Treatment Plant Expansion (WWTPE).

In September 2018, Council approved a request \$42,000,000 of financial assistance from the TWDB from the Clean Water State Revolving Fund (CWSRF) for the City's WWTPE and the City's West Loop Reuse Project. In reviewing the funding, TWDB has determined that allowing the City to utilize the unspent Lake Whitney Project Bond Proceeds the above projects for CWSRF Project No. 73821 (WWTPE and the West Loop Reuse Project) will allow the City to fully complete the CWSRF Project and expend the unspent Lake Whitney Project Bond Proceeds in an expeditious manner.

In conclusion, the purpose of this resolution is for the City Council to formally request that the TWDB permit the City to repurpose the unspent Lake Whitney Project Bonds Proceeds for CWSRF Project No. 73821, utilizing all unspent funds for the WWTPE and the West Loop Reuse Project. The funds would be repurposed rather than using the unspent bond proceeds to redeem the Series 2009B Bonds and Series 2013 Bonds, or for the Lake Whitney project.

ORDINANCES

OR1. AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2019 (#5), 4B SALES TAX CORPORATION BUDGET IN THE AMOUNT OF \$70,274 TO REVISE THE APPROPRIATION FOR ADDITIONAL FUNDING FOR THE REPLACEMENT OF THE COMPETITION POOL DOME AND LIGHTING AT SPLASH STATION.

Person presenting this item: Terry Leake, Director of Finance

BRIEF: The completion of the competition pool dome and lighting at Splash Station was a project that was approved in the Fiscal Year 2019 4B Sales Tax Corporation Fund Budget in the amount of \$46,580. The project was initially budgeted in the FY 2018 4B Sales Tax Corporation Fund Budget, and the project was incomplete at the end of the year. The unpaid project balance to the initial contractor was reallocated in FY 2019. As the initial contractor did not perform, on this evening's Council agenda is an agenda item for approval of a proposal in the amount of \$116,854 to Yeadon Domes for the replacement of the competition dome and lighting at Splash Station for the completion of the project. As the proposal is \$70,274 greater than the amount budgeted for the project, it is requested that the Fiscal Year 2019 4B Sales Tax Corporation Fund Budget Splash Station Department line item account number 0956-8880 be amended from \$46,580 to \$116,854 to provide the necessary funding for the proposal. This proposed budget amendment was discussed with the 4B Economic Development Corporation Board at their March 21, 2019 meeting. It was approved unanimously, and recommended to be presented to City Council for their approval. The proposed 4B Corporation Fund budget amendment in the amount of \$70,274 will revise the total adopted 4B Corporation Fund budget of \$3,176,502 (Ordinance OR09-2018-64) to \$3,246,776. Anticipated funding source for the budget amendment is the balance of the insurance proceeds (\$53,600) and \$38,237 from Cleburne ISD.

OR2. *PUBLIC HEARING* AN ORDINANCE REZONING 9.389 ACRES, LOCATED AT 320 WEST KILPATRICK AVENUE, FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A CAMPGROUND WITH RECREATIONAL VEHICLES) AS REQUESTED BY SOLOMON FAMILY REAL ESTATE HOLDINGS, LLC.

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

BRIEF: The applicant has requested a Specific Use Permit (SUP) to permit a Campground with Recreational Vehicles. The property is currently zoned C3 and the proposed use is permitted with approval of an SUP. The Comprehensive Land Use Plan designates the subject property as Traditional Neighborhood District. The proposed land use is an appropriate use in this District.

The applicant has provided details of the proposed plan including a summary of the proposed development, detailed Park Rules, Site Plan, Utility and Grading Plans, and renderings of the proposed park. The site plan shows 70 spaces (31 back in spaces, and 39 pull-through spaces), thirteen (13) standard parking spaces, an office/restroom/shower building, a laundry facility, playground, dog park, and picnic area. The applicant proposes to install white PVC fencing along Woodruff Road and six-foot (6') chain link fencing along the north and east property lines. The applicant proposes to construct the project in two phases. The limits of the phases have not been provided.

The applicant has also provided grading and utility plans. Staff has reviewed these documents as preliminary studies to verify the development is feasible. Based on the information submitted to date, staff has determined that the applicant's proposal is capable of meeting the minimum requirements of the City's development codes.

The Park Rules (see proposal) provide details of the operation of the proposed park, and cover items such as:

- Permitted Uses – Sites may only be used for recreational purposes (no permanent residences)

- Length of Stay Permitted – A maximum of two-weeks without prior approval by park staff. (Please note the attached development summary states “monthly rates” therefore the intent may be to permit longer stays)
- Permanent Structures – No permanent structures may be added at any site (i.e. porch, carport, etc.)
- Age of Recreational Vehicle – Any RV older than ten-years old requires inspection by park staff and staff reserves right of refusal
- Sewer Connections – Connections are provided at each site. No foreign objects, chemicals, oils, etc. may be dumped into the sewer system
- Safety Policy – Speed limits within site, no blocking of fire lanes, designated fireplaces and barbecue pits, etc.

The Planning and Zoning Commission considered this request at their March 25, 2019 meeting and recommended denial by a vote of 4-2. The recommendation of denial requires a supermajority vote by Council for approval.

OR3. *PUBLIC HEARING* AN ORDINANCE REZONING 1.43 ACRES BEING LOT 2R2, BLOCK 1, TUMBLEWEED ADDITION, LOCATED AT 1531 WEST KILPATRICK AVENUE, FROM C3 (COMMERCIAL DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT); AS REQUESTED BY HARDEE PROPERTIES, LLC.

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

BRIEF: P&Z UPDATE: The Planning and Zoning Commission considered this item at the February 25, 2019 meeting, and moved to continue the item to the March 25, 2019 meeting. The Commission requested the applicant to provide a site plan and renderings of the proposed project. The applicant submitted the requested information and is included in the backup for your review. At the March 25, 2019 meeting P&Z recommend approval of a rezoning request from C3 (Commercial District) to PD (Planned Development) allowing multi-family uses and incorporating the site plan and elevations into the ordinance, by a vote of 6-0.

SUMMARY STATEMENT: The applicant has requested to rezone approximately 1.13 acres from the C3 (Commercial District) to the MF (Multiple Family Housing District) with the intent to construct a multi-family development on the subject property. The Comprehensive Land Use Plan shows this property to be located in the Traditional Neighborhoods District. The proposed rezoning request is consistent the intent specially permitted uses of the Traditional Neighborhood District as defined by the Comprehensive Land Use Plan.

OR4. *PUBLIC HEARING* AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS; CHAPTER 51: WATER AND SEWERS; SECTION 51.003: WATER CONSERVATION AND DROUGHT CONTINGENCY OF THE CODE OF ORDINANCES; BY ADOPTING THE 2019 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN.

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

BRIEF: Water utilities in the State of Texas are required to have a Water Conservation and Drought Contingency Plan that establishes procedures and goals for water conservation activities for the community and action plans that may be instituted during time of drought. These plans

are required by the State to be updated and resubmitted every five years. The City of Cleburne previously updated the Water Conservation and Drought Contingency Plan in 2014. An updated plan has been drafted and the 2019 Water Conservation and Drought Contingency Plan is presented for City Council Consideration and adoption.

OTHER COUNCIL MATTERS

OC2. **PUBLIC HEARING APPROVE REPLAT OF LOT 1R-1, BLOCK 1, ABS ESTATES, (BEING 1.272 ACRES IN THE CITY'S ETJ, LOCATED AT 5869 ANDY NORTH RD); AS REQUESTED BY RANDALL GRINNELL, REPRESENTED BY SHELBY HOFFMAN.**

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

BRIEF: This is a request to replat one (1) residential lot in the City's Extraterritorial Jurisdiction. The Comprehensive Land Use Plan shows this property to be located in the Traditional Neighborhoods District. As submitted, this plat meets all minimum platting requirements of Chapter 154 of the Code of Ordinances. The plat also meets the intent of the Comprehensive Land Use Plan. The Planning and Zoning Commission considered this request at their March 25, 2019 meeting and recommended approval by a vote of 6-0.

OC3. CITY COUNCIL CONFIRMATION OF THE CITY MANAGER'S APPOINTMENT OF DEPUTY CITY SECRETARY IVY PETERSON TO THE POSITION OF CITY SECRETARY EFFECTIVE JUNE 1, 2019.

Person presenting this item: Steve Polasek, City Manager

BRIEF: Current City Secretary Shelly Doty has announced her retirement effective May 31, 2019. As such, per Division 3, Sec. 4.8 of our City Charter, "The Council shall designate an officer of the City who shall be recommended by the City Manager to serve as City Secretary. The City Secretary shall give notice of meetings of the Council, shall keep the journal of its proceedings, shall authenticate by the Secretary's signature, and record in full in a book kept and indexed for the resolutions, and shall perform such other duties as the City Manager shall assign to the Secretary and those elsewhere provided for in the Charter".

Deputy City Secretary Ivy Peterson has been employed with the City since April of 1997. In May of 1999 she was promoted to the position of Deputy City Secretary and her duties include, in part, filling in during the absence of the City Secretary. Ms. Peterson has been certified as a Texas Registered Municipal Clerk since January of 2003 (recertified in 2008, 2013, and 2018) having completed a three year program through the University of North Texas. In August of 2018 she also received designation as a Certified Municipal Clerk by the International Institute of Municipal Clerks and completed the City of Cleburne's Leadership and Supervisory Training Program in December of 2018. Throughout her tenure with the City, Ms. Peterson has consistently displayed a high level of professionalism, customer service and integrity.

Given the information above, along with my on-going direct interactions with Ms. Peterson, I am extremely confident in her ability to lead the Department of the City Secretary and fulfill all of the requirements as set forth in our City Charter. As such, I am both excited and proud to present her to the City Council for your consideration and confirmation as my

appointment to the position of City Secretary effective June 1, 2019.

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.