



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 14, 2020

5:00 PM

**CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET**

City facilities are closed to the public in response to a health emergency. Cleburne City Council will conduct meetings by telephone conference in accordance with local, state and federal Orders to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). Therefore, there will be no public access to the location described above. Live streaming video of the meeting is available on the city’s website and cable channel.

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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

V. CITIZENS COMMENTS – Special Guidelines in response to COVID-19

A member of the public who wishes to participate in the meeting may do so via the following options:

- Submit questions/comments in writing: Complete a speaker registration card that may be found on the city’s website (<https://www.cleburne.net/agendacenter>). Speaker cards received by 4:00 p.m. the same day will allow time for staff to distribute to the Council and read during the meeting.
- Address the Council by phone: Submit a speaker registration card as directed above by 4:00 p.m. the same day and by 4:45 p.m. call the toll-free number [1-866-899-4679](tel:1-866-899-4679), (or [1-312-757-3117](tel:1-312-757-3117) and enter access code 477-307-821.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

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. CONSIDER MINUTES FOR THE MARCH 24, 2020 COUNCIL MEETING.**RS1. CONSIDER A RESOLUTION AUTHORIZING 380 AGREEMENT WITH GARZA GROUP CUSTOM HOMES AND REAL ESTATE DEVELOPMENT, LLC FOR BUILDING REHABILITATION GRANT FOR 208 EAST CHAMBERS STREET IN THE AMOUNT OF \$4,750.**

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Garza Group has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program (“Program”) to be used toward the cost of installing a new HVAC system in their building located at 208 E. Chambers Street. This building is occupied by Loaf ‘N Dog restaurant. Under the Program, 50% of project costs up to a maximum of \$25,000 are eligible for reimbursement. Cost of this project is \$9,500.00 so the maximum reimbursement would be \$4,750.00.

RS2. CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH HOMES MX2, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES NOT TO EXCEED \$4,000 FOR CONSTRUCTION OF NEW HOME LOCATED AT 606 ATLANTIC AVE; AS REPRESENTED BY MARTHA MIRANDA.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Homes MX2 LLC, represented by Martha Miranda, has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. The approximate investment will be \$130,000 for a 1,450 square foot home to be constructed at 606 Atlantic. Roadway, water, and wastewater impact fees will be assessed for a total of \$5,093.06 on this property. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted:

- Lots or parcels shall be existing single-family substandard parcels or tracts and/or lots of record being less than 7,000 square feet in area

- Homes must be at least 1,200 square feet
- Construction must commence with 180 calendar days of execution of an agreement
- Construction must be completed with 12 months of commencement
- Single-family residences only; no duplexes or other multi-family residences are eligible
- Impact fee rebate is contingent upon issuance of completion letter by Building Official or their designee
- Maximum rebate of assessed impact fee amount not to exceed \$4,000
- Home construction must comply with all City codes and ordinances in addition to design and development standards per Resolution RS01-2020-13, Section 1(b)(8)
- Only one application may be submitted per lot
- Construction of the residence may not be more than 50% complete at time of application as determined at the sole discretion of the Building Official or their designee
- Builder/developer must certify that they do not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Local Government Code in carrying out its obligations under the agreement
- Builder/developer will make an effort to utilize local area contractors

RS3. CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH VERDEGRIS VENTURES, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES NOT TO EXCEED \$4,000 FOR CONSTRUCTION OF NEW HOME LOCATED AT 429 SABINE AVENUE; REPRESENTED BY ROY HERNANDEZ.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Verdegris Ventures, LLC, represented by Roy Hernandez, has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. The approximate investment will be \$130,000 for a 1,450 square foot home at 429 Sabine Ave. Roadway, water, and wastewater impact fees totaling \$5,093.06 will be assessed for this property. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted:

- Lots or parcels shall be existing single-family substandard parcels or tracts and/or lots of record being less than 7,000 square feet in area
- Homes must be at least 1,200 square feet
- Construction must commence with 180 calendar days of execution of an agreement
- Construction must be completed with 12 months of commencement
- Single-family residences only; no duplexes or other multi-family residences are eligible
- Impact fee rebate is contingent upon issuance of completion letter by Building Official or their designee
- Maximum rebate of assessed impact fee amount not to exceed \$4,000
- Home construction must comply with all City codes and ordinances in addition to design and development standards per Resolution RS01-2020-13, Section 1(b)(8)

- Only one application may be submitted per lot
- Construction of the residence may not be more than 50% complete at time of application as determined at the sole discretion of the Building Official or their designee
- Builder/developer must certify that they do not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Local Government Code in carrying out its obligations under the agreement
- Builder/developer will make an effort to utilize local area contractors

RS4. CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH VERDEGRIS VENTURES, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES NOT TO EXCEED \$4,000 FOR CONSTRUCTION OF NEW HOME LOCATED AT 431 SABINE AVENUE; REPRESENTED BY ROY HERNANDEZ.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Verdegris Ventures, LLC, represented by Roy Hernandez, has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. The approximate investment will be \$130,000 for a 1,450 square foot home at 431 Sabine Ave. Water and wastewater service already exist at this location, so there are no impact fees for those services. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted in the applicant’s previous request (RS3 for 429 Sabine Ave).

RS5. CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH VERDEGRIS VENTURES, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES NOT TO EXCEED \$4,000 FOR CONSTRUCTION OF NEW HOME LOCATED AT 433 SABINE AVENUE; REPRESENTED BY ROY HERNANDEZ.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Verdegris Ventures, LLC, represented by Roy Hernandez, has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. The approximate investment will be \$130,000 for a 1,450 square foot home at 433 Sabine Ave. Water and wastewater impact fees totaling \$3,179.00 will be assessed for this property. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted in the applicant’s previous requests (RS3 - 429 Sabine Ave, and RS4 - 431 Sabine Ave).

RS6. CONSIDER A RESOLUTION APPROVING THE APPOINTMENT OF THE HEALTH AUTHORITY FOR THE CITY OF CLEBURNE IN ACCORDANCE WITH SECTION 121.033 OF THE TEXAS HEALTH AND SAFETY CODE; APPROVING THE

AGREEMENT BETWEEN THE CITY OF CLEBURNE AND DR. MICHELLE BEESON, M.D. FOR PROFESSIONAL SERVICES.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: Due to the Disaster Declaration, the pandemic associated with the Coronavirus and COVID-19, and the need for timely notification of positive infection cases, Dr. Michelle Beeson has been appointed as the City's Municipal Health Authority. This appointment, with ratification by the Council, allows the City of Cleburne to be notified first in the event of a positive test in the city limits. It also enables the City Staff to receive expert medical advice quickly. Dr. Beeson has served the City as Cleburne Fire Department's Medical Director since 1999.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2020.

Person presenting this item: Troy Lestina, Director of Finance

OC2. CONSIDER FINAL PLAT OF LOTS 1 - 10, BLOCK 1, OF NOLAN RIVER WEST, BEING ±137.34 ACRES IN THE CITY'S ETJ LOCATED APPROXIMATELY 2,070 FEET NORTH OF WOODARD AVENUE AND ON THE EAST SIDE OF CR 1227; AS REQUESTED BY DURHAM RENTAL PROPERTY LLC, REPRESENTED BY LARRY DURHAM, CASE PC20-007.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant is requesting approval of a final plat for Lots 1 through 10, Block 1, of Nolan River West, located approximately 2,070 feet north of Woodard Avenue and on the east side of CR 1227, within the City's ETJ. There are a few existing homes to the west along CR 1227 as well as large areas of vacant land surrounding the subject property. As submitted, the final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their March 23, 2020 meeting and recommended approval by a vote of 4-0.

RESOLUTIONS

RS7. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL APRIL 28, 2020, 11:59PM.

Person presenting this item: Steve Polasek, City Manager

BRIEF: On March 13, 2020, the Mayor executed a Declaration of Local Disaster ("Declaration"), for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which is for a period of seven days. In order to extend the Declaration, the City Council must consent to an extension pursuant 418.108(b) of the Texas Government Code. The Council has approved extensions to the Declaration as follows:

March 13, 2020 by RS03-2020-32 until March 29th at 11:59 p.m.
March 24, 2020 by RS03-2020-35 until April 14th at 11:59 p.m.

The City continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. In doing so, staff has cancelled nonessential meetings until further notice. This resolution for your consideration is to extend the Declaration to the next regular council meeting date of April 28, 2020 at 11:59 p.m. central standard time.

RS8. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH TEXAS MATERIALS GROUP, INC UTILIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH FOR THE 2020 ASPHALT MILL AND OVERLAY PROJECTS FOR AN AMOUNT NOT TO EXCEED 2,550,000.

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

BRIEF: This agreement allows the City to use a third party contractor to perform large scale asphalt maintenance projects throughout the City. Streets that will receive work include: Blakney Street, Huron Street, East Kilpatrick Street, North Anglin Street, Westmeadow Drive, Honeysuckle Drive, Hummingbird Lane, Whitefish Drive, Turtledove Drive, North Hyde Park Boulevard, Blue Jay Drive, North Nolan River Road, Glenwood Drive, Poindexter Avenue, Faircrest Drive/Municipal Drive, Ramsey Street, Dale Street, Honeysuckle Court, Ivy Court, Meadowlark Drive, Hummingbird Lane, Robin Place, Cleveland Street, and Harlin Drive.

The City of Fort Worth recently bid a similar contract at much larger quantities resulting in lower unit pricing. The City of Fort Worth contract was previously awarded to Texas Materials Group, Inc, TexasBit. The City of Cleburne, through the attached interlocal agreement with the City of Fort Worth, is able to utilize the unit prices from the Fort Worth contract with Texas Materials Group, Inc, TexasBit so that all state and local bidding requirements have been met.

Funding is allocated for this project in General Capital Projects Fund (Fund 53) Streets – M&R Streets, Curbs, and Alleys account in the amount of \$2,550,000. The current estimate for the project is \$2,463,474.27 which allows for \$86,525.73 to be available to address any field changes that may arise during construction.

ORDINANCES

****OPEN PUBLIC HEARING****

OR1. CONSIDER AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 51: WATER AND SEWERS AND TITLE IX: GENERAL REGULATIONS, CHAPTER 96: HEALTH AND SAFETY; PROVIDING FOR CHANGES IN PRETREATMENT STANDARDS, WASTE HAULING, ENFORCEMENT MEASURES AND OTHER GENERAL CHANGES FOR THE PURPOSE OF ENSURING PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY.

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

BRIEF: The City of Cleburne has had a pretreatment program since 1983, with the latest amendment to the program occurred in 2006. The pretreatment program regulates industrial waste streams to prevent negative impacts that affect the wastewater plant. As with all programs, periodic updates are needed to remain effective at achieving the program goals. Staff has worked to update the pretreatment program with sensible modifications that will improve the overall functionality of the program. The proposed modifications, as required by federal rule, have been reviewed and approved by the Texas Commission on Environmental Quality (TCEQ). In order for the proposed modifications to be accepted they must be approved by City Ordinance.

These proposed modifications to the Industrial Waste Ordinance (sections 51.070-51.086) will make the program more user friendly for permitted industries and the City's Regulatory Authority. The modification include; updated forms, reorganized the permit for clarity, new definitions for industrial users, and added a pollutant waiver option.

During the preparation of this amendment, other minor updates have been identified that are needed in the Waste Hauler (51.100-51.108) and Water Pollution Generally (96.04) Ordinances. The proposed ordinance addresses the needed updates with these three sections of the Code of Ordinances.

OR2. CONSIDER AN ORDINANCE WAIVING CERTAIN INTEREST ON LIENS FILED AGAINST 806 CHASE AVE; AS REQUESTED BY ADRIAN CHAVEZ.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: Mr. Adrian Chavez, owner of 806 Chase Avenue, aka Lot 5 Block 184, Original Cleburne, has requested a release of interest due for liens filed by the City so that it may be sold. The City filed a demolition and lot clearing lien against this property on September 18, 1990, and a mowing lien on January 19, 2012. Utilizing the services of Stewart Title North Texas of Cleburne, Mr. Chavez purchased the property on January 30, 2007, with the deed being recorded on February 1, 2007. The first lien was in place at the time of the purchase. According to the requestor, Stewart Title is unwilling to honor the title policy concerning the lien that was in place at the time of the purchase. A breakdown of the lien costs are as follows:

Date Lien Filed	Services Provided	Principal Cost	Interest thru 04/30/20	Total Due
9/18/90	Demolition & Lot Clearing	\$450.00	\$7,104.80	\$7,554.80
1/19/12	Mowing	\$210.00	\$251.41	\$461.41
Total		\$660.00	\$7,356.21	\$8,016.21

The Johnson County Central Appraisal District lists the property at \$10,000 valuation and according to the Johnson County Tax Office, the property taxes are current.

OR3. CONSIDER AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,975,000.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: As a part of the March 2020 City Council workshop, the City Council requested staff to review the potential opportunity to refund any portion of the outstanding bonds of the City. The City consulted with the City's Financial Advisor, Hilltop Securities, to determine the opportunity for any economic savings. Both 2009 series bonds were originally issued in April 2009 in the amount of \$1,180,000 and \$4,750,000, respectively. The outstanding interest rates range from 2.139% to 3.066%. The 2010 series bonds were issued in December 2012 in an amount that totaled \$4,860,000, and has outstanding interest rates ranging from 4.00% to 4.25%. In looking at market conditions in mid-March 2020, there would be the opportunity to refund the outstanding bonds at a present value savings of \$126,310 (3.03%) with an average annual savings of \$15,915 (see attached prepared by the City's Financial Advisor, Hilltop Securities, with financial information about the bond market and refunding of the outstanding bonds). The new debt would be level annual debt service, and there would be no extension of the original maturity in 2029. A benchmark of 3.00% in present value savings over the life of the issue was set as a target to move forward with the transaction. If market conditions would deteriorate to a level that a savings of a minimum of 3.00% in present value over the life of the issue could not be reached, it would be recommended to not move forward with the refunding. Jim Sabonis of Hilltop Securities will be available to review the preliminary refunding statistics with the City Council at its' respective meeting.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- A. Discuss the City's Financial Contingency Plan – Troy Lestina, Director of Finance
- B. [Discuss Recycling Center Updates – Jeremy Hutt, Director of Public Works](#)

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:

CERTIFICATION

THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy of said Notice and that I posted said Notice on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net and said Notice was posted on April 9, 2020, by 5:00 pm in compliance with Chapter 551, Texas Government Code.

Note: A quorum of any Cleburne board, commission, or committee may be present at this meeting.

City of Cleburne

By Ivy Peterson

Ivy Peterson, City Secretary



City Hall is ADA 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.