



CITY COUNCIL REGULAR MEETING AGENDA
OCTOBER 27, 2020 @ 5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

City Council meetings are open to the public with social distancing and sanitation protocols in place. A member of the public wishing to participate in the meeting may do so via the options below or view the [live broadcast](#).

- *In person:* Complete a speaker/comment registration card and turn in to the City Secretary before the meeting begins.
 - *Submit questions/comments online:* Complete a speaker/comment registration card found on the [City's online Agenda Center](#). Registration cards received by 4:00 p.m. the same day will be distributed to the Council for consideration.
 - *Address the Council by phone:* Submit a registration card as directed above and by 4:45p.m. call [\(346\) 248-7799](tel:3462487799) or (800) 731-0285. **Enter Meeting ID 995-6991-0537 and then press #.**
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I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

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

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Ashley Dierker, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

★ Presentation – Financial Update, Troy Lestina, Director of Finance

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.

MN1. CONSIDER MINUTES FOR THE OCTOBER 13, 2020 REGULAR COUNCIL MEETING.

BQ1. CONSIDER AUTHORIZING PURCHASE OF 51 SETS OF NEW BUNKER GEAR FROM CASCO INDUSTRIES FOR AN AMOUNT NOT TO EXCEED \$135,813 UTILIZING INTERLOCAL PURCHASING AGREEMENT WITH THE CITY OF NORTH RICHLAND HILLS, THROUGH PROVISIONS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”).

Presented by: Scott Lail, Fire Chief

SUMMARY: Cleburne Fire has received initial approval for CARES Act reimbursement funding to purchase new gear to help the Department be better prepared to respond in the face of current and future pandemic emergencies. The bunker gear will be ordered from Casco Industries and is the same model as our current gear. It will be purchased utilizing an interlocal agreement with the City of North Richland Hills, Texas, Resolution RS11-2012-89.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL NOVEMBER 10, 2020 AT 11:59 P.M. CENTRAL STANDARD TIME.

Presented by: Steve Polasek, City Manager

SUMMARY: 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 to 418.108(b) of the Texas Government Code.

The Council has approved extensions to the Declaration on March 13th by RS03-2020-32 until March 29th, on March 24th by RS03-2020-35 until April 14th, on April 14th by RS04-2020-45 until April 28th, on April 28th by RS04-2020-49 until May 12th, on May 12th by RS05-2020-54 until May 26th, on May 26, 2020 by RS05-2020-59 until June 9th, on June 9, 2020 by RS06-2020-61 until June 23rd, on June 30, 2020 by RS06-2020-73 until August 3rd, on July 28, 2020 by RS07-2020-81 until August 11th, on August 11, 2020 by RS08-2020-84 until August 25th, on August 25, 2020 by RS08-2020-88 until September 8th, on September 8, 2020 by RS09-2020-90 until September 22nd, on September 22, 2020 by RS09-2020-97 until October 13th and on October 13th by RS10-2020-108 until November 10th.

Following Governor Abbott's announcement of Open Texas, the City continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the Declaration to the next regular council meeting date of October 27, 2020 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION ACCEPTING THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2020.

Presented by: Troy Lestina, Director of Finance

SUMMARY: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended September 30, 2020, the City invested solely in four Local Government Investment Pools along with a trust account for the funds received from Texas Water Development Board (LOGIC, Texas Class, TexPool, TexSTAR, and Amegy). 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.

As of September 30, 2020, there was \$120,723,596.00 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$75,177.69 (see backup for quarterly investment reports for the four investment pools). The percentage allocation by investment pool at September 30, 2020 is LOGIC: 20.61%, Texas Class: 27.81%, TexPool: 6.14%, TexSTAR: 12.55% and Amegy: 32.90%.

RS3. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH WESTHILL CONSTRUCTION, INC FOR 2021 PAVEMENT REPAIR FOR A COST NOT TO EXCEED \$250,000.00, UTILIZING THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: This is a contract between the City of Cleburne and Westhill Construction Inc. for the miscellaneous repair of asphalt pavement, concrete pavement, and concrete curbs within the City. This agreement allows the City to provide prompt repair of roadways when the repairs require a third party contractor.

The City of Fort Worth bid a similar contract at much larger quantities resulting in lower unit pricing than what would be available to the City of Cleburne. The City of Fort Worth awarded their contract to Westhill Construction Inc. The City of Cleburne, through an interlocal agreement with the City of Fort Worth, is able to utilize the unit prices from the Fort Worth contract with Westhill Construction so that all state and local bidding requirements have been met.

Funding for this agreement will be sourced from the M&R – Streets, Curbs, and Alley accounts of Water Distribution, Wastewater Collections, Drainage, and Street Maintenance.

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LEX HOMES, INC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES NOT

TO EXCEED \$4,000 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 317 CHASE AVENUE UNDER THE INFILL LOT IMPACT FEE REBATE INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: LEX Homes Inc., represented by Mr. Scott Loudermilk, has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020 meeting and renewed as part of the Fiscal Year 2021 budget that was adopted at the September 8, 2020 City Council meeting. Their approximate investment will be \$184,000 for a 1,339 square foot home at 317 Chase Avenue. 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 within 180 calendar days of execution of an agreement
- Construction must be completed within 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

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

Presented by: Troy Lestina, Director of Finance

RESOLUTIONS

RS5. CONSIDER A RESOLUTION AUTHORIZING CONTINUATION OF THE “ALL ABOARD CLEBURNE” GRANT PROGRAM AND THE EXPENDITURE OF UP TO \$180,000.00 IN FUNDING RECEIVED FROM THE CORONAVIRUS RELIEF FUND (“CRF”) AS ESTABLISHED BY AND THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”).

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: The City of Cleburne is eligible to receive funding through the CRF that may be utilized to offset expenditures related to the COVID-19 pandemic. The State of Texas has mandated 75% of the funding from the CRF must be utilized to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The CRF provides that the remaining 25% of funds may be used for other items to include providing economic support in the form of grants to sub-recipients that have suffered losses in employment, business interruption or closures, or other economic hardships due to COVID-19. Staff is proposing to offer grants to qualified businesses in the form of one-time payments of \$5,000.00 each until funding in an amount not to exceed \$180,000.00 is expended or upon other direction by Council. Grants will be awarded in two phases based upon demand and available funding with the first phase being approximately \$100,000. See Staff's Agenda Report for program details.

RS6. CONSIDER A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION FOR A MASTER PLAN UPDATE FOR THE CLEBURNE REGIONAL AIRPORT.

Presented by: Sharlette Wright, Airport Manager

SUMMARY: The current Airport Master Plan is in need of an update. The original Master Plan was completed in 2010, and both the Federal Aviation Administration (FAA) and Texas Department of Transportation (TXDOT) suggest updating the Master Plan every 7-10 years. The City's eligibility to receive State and Federal Capital Improvement grants is contingent upon maintaining and updating an Airport Master Plan. A Master Plan aids in projecting pavement maintenance, future airport growth, the needs of the tenants and aviation community, and many other critical components related to the operation and development of an airport.

The Texas Department of Transportation – Aviation Division is offering a State Capital Improvement Grant to Cleburne Regional Airport in the amount of \$225,000 to update the current Master Plan. By accepting this grant, the City will be obligated to provide a 10% match of the grant funds in the estimated amount of \$22,500. The required funding was included in the FY21 budget.

TXDOT currently estimates that Requests for Qualifications (RFQs) will be sent out November 2020, with selection of the firm taking place in January or February 2021. The scope and overall timeframe for the completion of the Master Plan will be determined through the selection process. Staff will keep Council informed of the process as more information becomes available.

RS7. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH IMS INFRASTRUCTURE MANAGEMENT SERVICES, LLC FOR THE

2021 PAVEMENT ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$55,096.00, THROUGH THE NORTH TEXAS SHARE PURCHASING PROGRAM.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: The City previously performed a Pavement Assessment in 2015, utilizing the services of IMS Infrastructure Management Services. The information provided from the 2015 Pavement Assessment has aided the City in the repair and rehabilitation of streets at the appropriate time in their life cycle in order to reduce the long-term cost to maintain the network of streets. This information has guided the annual street maintenance program the past few years.

Over the past few years, the City has invested significant funds into the street maintenance program and it is important to update the pavement assessment every few years to account for reinvestment and various levels of degradation. The 2021 Pavement Assessment project will include driving all concrete and asphalt streets in the City (approximately 222 miles) with a van that is outfitted with instrumentation to record on a continuous basis the surface condition, rutting, roughness, and the location by Global Positioning System (GPS) coordinates. Upon conclusion of the mobile field data collection, IMS Infrastructure Management Services will provide a final report with all the street segments listed with their pavement condition index (PCI).

Over the last several years, the 2015 Pavement Assessment has proved to be a valuable tool. The 2021 Pavement Assessment will help the City maximize the impact of the funds budgeted by the City Council for the street maintenance program for the next several years. The vendor has indicated that the assessment will likely occur in late December or early January, with the results of the assessment being available in late April.

The agreement was developed in accordance with the North Texas SHARE Program, which the City of Cleburne is a member of. The North Texas SHARE allows member cities all of the benefits associated with cooperative purchases and are able to use contracts which have been competitively solicited and awarded by NCTCOG.

RS8. CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH FAST GENERAL CONTRACTING, LLC FOR THE CONSTRUCTION OF THE RAILROAD MUSEUM EXPANSION IN AN AMOUNT OF \$305,000 WITH A \$30,500 CONTINGENCY FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$335,500.

Presented by: Aaron Dobson, Director of Parks and Recreation

SUMMARY: 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 improvement and expansion of the Railroad Museum. Sealed bids were solicited for the construction expansion of the Railroad Museum Project. A mandatory site-visit was held on August 24, 2020. Brett Oaks from RPGA lead thirteen potential bidders on a tour of the facility and answered clarification questions. On September 9, 2020 sealed bids were opened from ten bidders. The low bid was received from Fast General Contracting, LLC, with \$295,000 base bid for the remodeling of Suites 204, 206, and 208, and \$10,000 for the Alternate 1 (front façade).

The total for this project is \$305,000. Follow-up questions and reference checks were completed. The Railroad Museum Advisory Committee was notified of the bid results and selection of Fast General Contracting, LLC. The contractor must begin work within 10 days from the date of the notice to proceed. The project must be completed within 276 days.

The 4B Economic Development Board considered and recommended for City Council to select Fast General Contracting, LLC for the construction of the Cleburne Railroad Museum Expansion at their October 8, 2020 meeting.

ORDINANCES

OR1. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2021 (#2) BY APPROPRIATING \$176,000 FROM FUND BALANCE RESERVES TO THE 4B ECONOMIC DEVELOPMENT FUND FOR THE RAILROAD MUSEUM EXPANSION PROJECT.

Presented by: Troy Lestina, Director of Finance

SUMMARY: 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 improvement and expansion of the Railroad Museum. Sealed bids were solicited for the Construction Expansion of the Railroad Museum Project. A mandatory site-visit was held on August 24, 2020. Brett Oaks from RPGA lead thirteen potential bidders on a tour of the facility and answered clarification questions.

On September 9, 2020 sealed bids were opened from ten bidders. The low bid was received from Fast General Contractor, with \$295,000 base bid for the remodeling of Suites 204, 206, 208 and \$10,000 for the Alternate 1 (front façade). Follow-up questions and reference checks were completed. The Railroad Museum Advisory Committee was notified of the bid results and selection of Fast General Contractor, LLC. The contractor must begin work within 10 days from the date of the notice to proceed. The project must be completed within 276 days.

The proposed General Fund budget amendment in the amount of \$176,000.00 will revise the total adopted 4B Economic Development budget of \$2,695,566 (Ordinance OR09-2020-49) to \$2,871,566.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±22.81 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED ON THE SOUTH SIDE OF WOODARD AVENUE AND APPROXIMATELY 485 FEET EAST OF DOTY ROAD, AS REQUESTED BY SHELBY MICKEY AND TRACY KLINT, REPRESENTED BY TEMPUS DEVELOPMENT, LLC, CASE ZC20-016.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The Planned Development is for a single-family residential development, to be known as the Chisholm Hills subdivision. The proposed development will contain ninety-nine (99) single-family lots and three (3) common area lots, with an average lot area of 6,170 square feet. The applicant is requesting a base zoning of the SF-4 District with some deviations,

including minimum lot area and building setbacks. The applicant is proposing some amenities including residential landscaping, architectural design standards and open space. See Staff's Agenda Report for full development details.

The Planning and Zoning Commission considered this request at their October 12, 2020 meeting and recommended approval with the conditions as outlined below with a vote of 6-0:

1. Establish a water well with a float system to maintain the drainage level of the pond (located in Lot 3X, Block 4 as depicted on the landscape plan); and
2. The HOA to be set up before the first building permit is applied for and the Developer will fund the HOA until it can fund itself.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 154: SUBDIVISIONS, SECTION 154.022: PRELIMINARY PLATS – PROCEDURES FOR APPROVAL, BY ADDING SUBSECTION (O), A PROVISION FOR GRANTING A PRELIMINARY PLAT EXTENSION, CASE GC20-007.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: Staff is proposing an amendment to Section 154.022 Preliminary Plats – Procedures for Approval. The proposed amendment will address the need for granting a preliminary plat extension to provide adequate time for completion of construction plans and compliance with mandated timelines for plat approval.

Over the last year, staff has received inquiries from developers regarding the process by which to obtain a preliminary plat extension. The current ordinance requires that a final plat be approved within twelve (12) months from the date of preliminary plat approval. Per the plat approval process as outlined in the current Subdivision Ordinance, a final plat cannot be submitted until civil construction plans are approved by the Engineering Department.

In an effort to provide developers with adequate time to complete and receive approval of civil construction plans, staff is proposing to add the granting of one (1) extension of the approval of the preliminary plat for a period of up to twelve (12) months by the Director of Public Works or his designated representative. Additional extensions beyond the initial twelve (12) month extension may only be approved by City Council.

OTHER COUNCIL MATTERS

OC2. *PUBLIC HEARING* CONSIDER A MINOR REPLAT OF LOT 5R, BLOCK 59, OF THE OFFICIAL MAP OF THE CITY OF CLEBURNE, BEING ±0.32 ACRES OF LAND LOCATED AT 515 NORTH ANGLIN STREET; AS REQUESTED BY J FOX INVESTMENTS, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC20-029.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is proposing to construct a residential home on the subject property. The property is currently zoned MF (Multiple-Family Housing District) and is currently undeveloped. The MF District requires a minimum 7,000 square foot lot size, a minimum 60-

foot lot width and the following setbacks: 30-foot front yard, 20-foot rear yard, 7-foot side yard and 15-foot side yard adjacent to the street. The properties to the east and south are similarly zoned in the MF District, while the properties to the north and west are zoned C3 (Commercial District). There are several existing single-family homes to the north, east and south along N. Anglin Street. See Staff's Agenda Report for full details.

The Planning and Zoning Commission considered this request at their October 12, 2020 meeting and recommended approval with the conditions as outlined below with a vote of 6-0:

1. The 30-day plat approval extension per the applicant be approved as requested; and
2. The ROW dedication variance along E. Wilson Street be approved as presented.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418, of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

Section 551.071. Consultation with Attorney and Section 551.072. Deliberation Regarding Real Property - The City Council will convene into executive session to receive legal advice from the City Attorney regarding pending or contemplated litigation and to deliberate the purchase, lease, or value of real property related to the following matter:

EXE1. Discuss status of eminent domain proceedings for the purpose of obtaining easements on property located at the northwest corner of North Main Street (SH 174) and Mt. Carmel Road (CR 903) for construction and maintenance of the 174 North Interceptor, North Extension Line A – Jeremy Hutt, Director of Public Works

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 **Friday, October 23, 2020, by 5:00 pm** in compliance with Chapter 551, Texas Government Code.

Note: A quorum of any Cleburne board, commission, or committee may participate during this meeting.

City of Cleburne

By _____
Ivy Peterson, City Secretary



City Hall is wheelchair accessible. Reasonable accommodations to furnish auxiliary aids or services for persons with special needs will be provided when at least two working days' notice is given. Contact the City Secretary's office at (817) 645-0908 or by fax (817) 556-8848.