



CITY COUNCIL REGULAR MEETING AGENDA
JULY 12, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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:346-248-7799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**
-

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

Scott Cain, Mayor
Derek Weathers, 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 by Pastor Joshua Oakley, Lone Willow Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP. PRESENTATION ON CLEBURNE POLICE DEPARTMENT'S PREPAREDNESS TO ENHANCE SCHOOL SAFETY AND RESPOND TO CRITICAL INCIDENTS.

Presented by: Rob Severance, Police Chief

CONSENT AGENDA

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 JUNE 28, 2022 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JULY 26, 2022.

Presented by: Steve Polasek, City Manager

Summary: On March 23, 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 was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott's executive orders, the City Council has approved extensions to said Declaration, and 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 existing Declaration to the next regular council meeting date of July 26, 2022 at 11:59 p.m. central daylight time.

RS2. CONSIDER A RESOLUTION ACKNOWLEDGING COMPLIANCE WITH MANDATED CYBERSECURITY AWARENESS TRAINING AND AUTHORIZING THE FILING OF THE COMPLIANCE REPORT FORM PURSUANT TO TEXAS GOVERNMENT CODE 2054.5191.

Presented by: David Raybuck, Director of Information Technology

Summary: In the 2019 legislative session, the legislature adopted Texas HB 3834, that was codified into the Texas Government Code and requires certain employees and elected officials to complete mandated cybersecurity training. The required training must be completed by August 30, 2022 and reported to the state by August 31, 2022.

The City staff and elected officials have completed certified training provided by the Texas Municipal League. The Texas Department of Information Resources (DIR) is the agency charged with implementing the legislation for certifying completion of the training, and has created an online form for reporting our compliance. This legislation also requires acknowledgement by the governing body that the training has been completed, which is accomplished and documented with this resolution.

RS3. CONSIDER A RESOLUTION AUTHORIZING A LETTER OF ACKNOWLEDGEMENT THAT ALLOWS FOR THE ASSIGNMENT OF ALL ECONOMIC DEVELOPMENT INCENTIVES RELATED TO THE DOWNTOWN REDEVELOPMENT PROJECT KNOWN AS 201 E CHAMBERS, LLC TO INTERBANK.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Eddie Vanston of 201 E. Chambers, LLC is requesting the City of Cleburne assign all economic development incentives to Interbank in order to obtain financing for the redevelopment project at 201 and 205 E. Chambers Street. The City Attorney has reviewed the proposed Letter of Acknowledgement, and the City's assignment of incentives will have no adverse impact on the 380 Agreement. In fact, the agreement contains a clause that allows for assignment upon written approval by the City.

A Chapter 380 Economic Development Incentive Agreement was approved by the City Council after discussion in Executive Session on February 23, 2021. The property is on the corner of Anglin and Chambers, and adjacent to the City-owned parking lot. Mr. Vanston is renovating the existing building for a mixed-use project consisting of ground floor retail/restaurant/commercial with residential dwelling units on the 2nd and 3rd floors.

RS4. CONSIDER A RESOLUTION APPROVING A 30-DAY PLAT EXTENSION FOR THE MINOR REPLAT OF ORIGINAL TOWN OF CLEBURNE, LOTS 5R1 AND 5R2, BLOCK 403, ON ±1.559 ACRES, LOCATED AT 508 SOUTH MAIN STREET AND 200 WEST SMITH STREET, CASE PC22-042.

Presented by: David Jones, Community Development Director

Summary: The applicant, Marshall Miller of Lonestar Land Surveying, LLC, is requesting a 30-day plat extension for the proposed minor replat for Original Town of Cleburne, Lots 5R1 and 5R2, Block 403, for 1.559 acres, generally located on the west side of S. Main Street, between W. Dabney Street and W. Smith Street. Chapter 154 of the Code of Ordinances allows for minor plats to be approved by staff within 30 days of submittal.

Per Section 212.009 of the Local Government Code, the applicant may request that City Council approve a one-time plat extension in writing to extend the 30-day period for approval for an additional 30 days. The applicant has requested the plat extension to allow additional time to satisfy staff comments to comply with the rules and regulations as outlined in Chapters 154 and 155 of the Code of Ordinances for the proposed plat.

City Council is the authorizing body for plat approval extension requests under Chapter 212.009(b-2)(2) of the Local Government Code. Should the request be approved, the plat approval period will be extended 30 days and could be approved by staff on or before July 30, 2022. The Planning and Zoning Commission considered the request for extension at their June 27, 2022 meeting and recommended approval with a vote of 6-0.

ACTION AGENDA

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT (PD) DISTRICT CREATED BY OR01-2022-05, KNOWN AS BATES RIDGE, LOCATED WEST OF NOLAN RIDGE DRIVE, BETWEEN WEST KILPATRICK AVENUE AND US HIGHWAY 67, FOR THE PURPOSE OF UPDATING BUILDING DESIGN STANDARDS FOR SINGLE-FAMILY RESIDENCES WITHIN THE PD, CASE ZC22-013.

Presented by: David Jones, Community Development Director

Summary: The Planned Development (PD), OR01-2022-05, for the Bates Ridge subdivision was originally approved in January 2022, and consists of 375 single-family residential lots and 15 open space lots on approximately 85 acres, including 280 50-foot wide lots and 95 60-foot wide lots types. The development has an average lot area of 7,247 square feet and approximately 3.5 acres of open space that will include pocket parks with a playscape area and a dog park. The approved Concept Plan and Landscape Plan were included as part of the PD ordinance and are unchanged by this request. The Planning and Zoning Commission considered this request at their June 27, 2022 meeting and voted 6-0 to recommend approval as requested.

RS5. CONSIDER A RESOLUTION APPROVING A PRELIMINARY PLAT FOR WRIGHT FARMS, CONSISTING OF 1,520 SINGLE-FAMILY RESIDENTIAL LOTS, ONE MULTI-FAMILY LOT, AND OPEN SPACE LOTS ON ±551.5 ACRES LOCATED SOUTH OF CR 904 AND APPROXIMATELY 650 FEET WEST OF CHISHOLM TRAIL PARKWAY, CASE PC22-046.

Presented by: David Jones, Community Development Director

Summary: The applicant, TCCI Wright Land, LLC, represented by Pape Dawson Engineers, is requesting approval of the preliminary plat of Wright Farms, which consists of 1,508 single-family residential lots and 22 open space lots that includes an amenity center, trails, ponds, and gas wells. The Wright Farms residential subdivision is within the City's Extraterritorial Jurisdiction (ETJ), generally located on the south side of County Road 904 and approximately ¼ mile west of Chisholm Trail Parkway.

The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances and the approved Development Agreement for Wright Farms. The Planning and Zoning Commission considered this request at their June 27, 2022 meeting and recommended approval with a vote of 6-0.

OR2. CONSIDER AN ORDINANCE AMENDING TITLE VII: TRAFFIC CODE, CHAPTER 71.411 SCHOOL ZONES ADOPTED, FOR THE PURPOSE OF EXTENDING THE ESTABLISHED SCHOOL ZONES ON WOODARD AVENUE AND HARLIN DRIVE.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: Wheat Middle School is currently under construction that will change the capacity of the school, the directional orientation of the main entrance to the school, and the traffic patterns for student drop-off and pick-up. These changes create a need to extend established school zones to address vehicle and pedestrian traffic in the area. The proposed changes would extend the Harlin Drive school zone to end 100 feet West of the intersection of Woodard Avenue, and the Woodard Avenue school zone would extend to 100 feet South of the intersection of Harlin Avenue.

RS6. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH GARVER, LLC, FOR ENGINEERING SERVICES FOR THE HULEN PARK AREA SEWER IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$398,692.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Hulen Park Area Sewer Improvements Project is proposed to include a portion of the larger West Buffalo Creek Sewer Line Replacement project identified in the sanitary sewer master plan as a high priority project. This combined project will replace and upsize lines in West Buffalo Creek from Westhill Drive, south through Hulen and Don Moore Parks, to a point where the line ties into a large sewer line in McAnear Creek.

Funding had been proposed for a study and partial improvements to provide immediate relief to sanitary sewer issues occurring during heavy rain events. By moving forward with full construction plans for 5,850 LF of sewer replacement, the combined project will take advantage of economies of scale as well as move the major project construction schedule forward, allowing completion of the sewer line prior to significant improvements planned for the Parks.

The proposed engineering services agreement includes a data collection phase prior to design to assure all existing lines are identified and accurately mapped, and that existing flows are known. The information will be used for design of a new system and a reduction in the number of sewer lines running through the parks. The agreement includes basic survey and engineering services totaling \$311,935. Additional services, to be billed hourly, on an as-needed basis, total \$86,757 and include easement preparation, line examination via CCTV, Subsurface Utility Engineering (SUE), plus bid and construction phase support. The total contract not to exceed amount is \$398,692.00. The design phase is expected to take approximately 10 months and the project is proposed to move into construction upon completion of design.

OR3. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (#8) FOR COSTS ASSOCIATED WITH MUNICIPAL AIRPORT FUEL.

Presented by: Rhonda Daugherty, Director of Finance

Summary: This budget amendment increases the Cost of Sales – Fuel (61-54-8727) with a corresponding increase in the Fuel Sales Service Revenue (61-15-6521). The increase in appropriations for the Cost of Sales – Fuel is necessary due to the increased price of the fuel purchased for resale. The proposed additions will result in total adopted revenue increasing from \$1,009,838 to \$1,309,838 and total adopted expenditures from \$959,838.66 to \$1,259,838.66. The increase in revenue and expenditure will have no effect on the budgeted ending fund balance for the Airport Fund.

RS7. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT FOR AUDITING SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 30, 2022, FOR AN AMOUNT NOT TO EXCEED \$58,700.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Section 8.12 of the City of Cleburne Charter states that an independent firm of certified public accountants will perform the annual audit and present the results to the City Council. Fiscal Year 2021 was the final year of the five-year audit contract executed in June 2017.

On May 12, 2022, a Request for Proposal (RFP) seeking professional auditing services was released and on June 16, 2022, responses were received from the following firms:

- Pattillo, Brown & Hill, LLP
- Whitley Penn, LLP

On June 27, 2022, the RFP responses were reviewed by the Audit RFP Review Committee, consisting of Mayor Scott Cain, Councilmember Mike Mann, Steve, Polasek, City Manager, Rhonda Daugherty, Director of Finance, and Marcie Freelen, Assistant Director of Finance. Based upon the proposal responses, the Audit RFP Review Committee recommends the contract for audit services including the federally required Single Audit be awarded to Pattillo, Brown & Hill, LLP for a term of five years (Fiscal Year 2022 through 2027). The cost for the first year of the audit is \$58,700, with the four remaining years having an annual cost increase of \$0.00 (0.00%), \$1,700 (2.90%), \$1,200 (1.99%), and \$1,200 (1.95%), respectively.

DISCUSSION & UPDATES

OC1. DISCUSS REPURPOSING MCGREGOR PARK HOUSE TO THE PARKS & RECREATION ADMINISTRATIVE OFFICE, AS RECOMMENDED BY THE PARKS & RECREATION BOARD.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: As part of the deed for McGregor Park, the City was required to restore the existing stone house on site for uses associated with the park. Since that time McGregor Park house is an unstaffed rental location for civic groups and the community. As a rental facility, the house has averaged \$3,264 over the past five years. This facility was identified in Parks, Recreation, Trails and Open Space Master Plan to be converted to the parks administrative office. The facility requires several renovations to the interior and exterior. To complete the conversion to an administrative office, networking and other technology items would be needed.

The Parks & Recreation Board unanimously recommended the conversion of the house to the Parks & Recreation Administration Office at their June 6, 2022 meeting with the following recommendations: the facility can be utilized by the Friends of McGregor Park meetings, the facility can only be used by Parks & Recreation Staff, and the facility cannot be expanded beyond its existing layout.

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 - The City Council will convene into executive session to receive legal advice from the City Attorney on the following matters in which the duty of the City Attorney to the City's governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code:

EXE1. Seek legal advice regarding the Pre-Treatment Program and associated Consent Order

EXE2. Actions taken and to be taken related to securing the building located at 14 East Chambers Street (further described as the Southwest Corner of Caddo Street and Chambers Street)

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: