



CITY COUNCIL REGULAR MEETING AGENDA
JULY 26, 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 #.**
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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 Rev. Miguel Rodriguez, Centro Christiano Bethel

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

CMP1. Proclamation - Parks and Recreation Month, July 2022

CMP2. Presentation - Quarterly Economic Development Update, Grady Easdon, Economic Development Manager

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 JULY 12, 2022 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL AUGUST 9, 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 August 9, 2022 at 11:59 p.m. central daylight time.

OC1. CONSIDER APPROVAL OF ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF JUNE 2022.

Presented by: Rhonda Daugherty, Director of Finance

ACTION AGENDA

OC2. *PUBLIC HEARING* HOLD A PUBLIC HEARING TO RECEIVE COMMENTS ON PROPOSED REDISTRICTING PLAN THAT IS UNDER CONSIDERATION BY THE CITY COUNCIL AND/OR RECEIVE REDISTRICTING PLANS FOR COUNCIL DISTRICTS IN ACCORDANCE WITH THE ADOPTED GUIDELINES.

Presented by: Ivy Peterson, City Secretary

Summary: Following the 2020 decennial census, the City Council has certain responsibilities for redistricting its single member districts from which council members are elected. The Initial Assessment Report confirms a population imbalance of 18.26%, which is more than the 10% benchmark, and therefore requires the four council districts be redrawn to comply with federal and state law.

The City Council held a drawing workshop on July 7, 2022, and the redistricting plan under consideration has been made available on the City's website. This public hearing provides an opportunity for the Council to receive public comments and/or redistricting plans in accordance with the adopted redistricting guidelines.

A public outreach campaign is ongoing and includes announcements on the City's social media platforms and in *The Burne* weekly newsletter, a publication notice of the public hearing in the newspaper, and all related redistricting resources are available on the City's website.

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±2.5 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED AT 6105 CR 1022, CASE ZC22-008.

Presented by: David Jones, Community Development Director

Summary: The applicant, Stonetown Capital, represented by Dynamic Engineering Consultants, has requested to rezone approximately 2.5 acres from IH (Interim Holding District) to PD (Planned Development District) to redevelop a portion of the existing manufactured home park at 6105 County Road 1022. The existing park lies partially within the City Limits, partially within the City's Extraterritorial Jurisdiction (ETJ), and partially within Burleson's ETJ.

The applicant is requesting a PD, Planned Development to include architectural design standards and landscaping for the proposed development.

The Planning and Zoning Commission considered this request at their July 11, 2022 meeting and voted 4-2 to recommend approval with the following conditions:

1. That a combination wood/masonry fence be provided along Chisholm Trail Parkway in addition to the proposed landscaping; and
2. That the proposed parking pads be constructed of concrete.

On July 20, 2022, the applicant requested in writing that the public hearing be continued to the August 9, 2022 City Council meeting to provide additional time to address Planning and Zoning Commission conditions.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±8.94 ACRES FROM PD (PLANNED DEVELOPMENT DISTRICT) AND SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MF-1 (MEDIUM-DENSITY RESIDENTIAL DISTRICT) AND LC (LOCAL COMMERCIAL DISTRICT), GENERALLY LOCATED NORTH OF THE INTERSECTION OF HARLIN DRIVE AND WOODARD AVENUE, CASE ZC22-014.

Presented by: David Jones, Community Development Director

Summary: The applicant has requested to rezone approximately 8.94 acres from PD (Planned Development District) and SF-7 (Single-Family Dwelling District) to MF-1 (Medium-Density Residential District) and LC (Local Commercial District) for the property generally located north of the intersection of Harlin Drive and Woodard Avenue. The applicant intends to rezone the subject property for multi-family development and commercial development primarily located along Harlin Drive/Woodard Avenue. The Planning and Zoning Commission considered this request at their July 11, 2022 meeting and voted 6-0 to recommend denial.

RS2. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO CREATE AN ASSISTANT DIRECTOR OF PARKS AND RECREATION POSITION EFFECTIVE AUGUST 1, 2022.

Presented by: Steve Polasek, City Manager

Summary: As the expectations of the community continue to increase and the area population expands, the Cleburne Parks and Recreation Department continues to grow with them. Quality of life services remain an area of critical importance as we seek to separate Cleburne from other communities in the DFW region. Currently, the parks and recreation department is responsible for our parks system (which includes everything from neighborhood parks to regional parks with boat ramps and shade structures), athletic complex, Splash Station, golf course, Booker T. Washington recreation center, senior facility, cemetery, Layland and Railroad museums, community-wide special events, mowing contracts, and management of the agreement for the Cleburne Conference Center operations. Administrative management for all of these areas is provided by a sole director and two superintendent level positions. In addition, the city recently issued approximately \$9.0M in debt for Phase I of our parks master plan project implementation, meaning design, engineering and construction are on the immediate horizon.

As part of our Phase I park project implementation, the city approved a project manager position in the FY 2022 budget. Unfortunately, to date, we have been unable to fill the position due to the tight job market. In the upcoming FY 2023 budget, staff intended to submit to the 4B Board and City Council a request to add an Assistant Director position. This would be a new position in addition to the project manager position. Given the current inability to fill the project manager position, as well as provide administrative support to a very thin management team, staff is requesting approval to create a Parks and Recreation Assistant Director position effective August 1, 2022. If approved, the immediate creation of this position will provide strategic advantages by allowing the city to advertise prior to other cities approving their FY 2023 budgets and well in advance of the holidays.

The estimated cost to fund the position is \$156,000 annually, including salary (up to \$104,000), health care, retirement benefits, car, and cell phone allowance. Funding needed for the remaining two months of the current fiscal year is estimated at \$13,000, assuming a September 1 start date. Funding for the position is proposed to come from both the General Fund and the 4B fund at a 50% share each and is available through cost savings achieved within their respective FY 2022 budgets.

The proposed Assistant Director position would assist with the planning, coordination, and management of the Parks & Recreation Department and would direct recreational activities, the BTW Recreation Center, Aquatics operations, Golf Course, Museums, Special Events, Conference Center, and the Senior Center. The Assistant Director would also provide support with budget preparation and administration, and the development and presentation of long and short-term departmental strategic plans.

The 4B Board considered this request at their July 21, 2022 meeting and voted 5-0 to recommend approval.

RS3. CONSIDER A RESOLUTION OF THE CITY COUNCIL SUPPORTING THE UPGRADE OF THE POSITION OF COMMUNICATIONS MANAGER TO THE POSITION OF CHIEF COMMUNICATIONS AND MARKETING OFFICER.

Presented by: Steve Polasek, City Manager

Summary: The first formal communications position in the City of Cleburne was created in 2017 based on the City Council's establishment of five key areas of focus (including Economic Development, Planning and Growth Management, Public Infrastructure Enhancements, Aesthetics/Quality of Life Programs and Information Sharing/Communications). The communications manager position was designed to be a generalist that would be tasked with "right sizing" the existing communications methods and means being utilized within a decentralized framework throughout the organization. Of utmost importance was ensuring the city's communications program was legally compliant. By improving interagency protocols and training, community communications efforts experienced improvement through the use of social media and citywide platform usage updates. Importantly, core policy documents were created including but not limited to a style guide, social media policy, and emergency notification plan.

As identified by City Council, Information Sharing/Communications is a fundamental function and responsibility the city utilizes to engage the community. The city's communications program must provide timely, accurate, and transparent information to the community while being a consistent and reliable avenue for the community to engage with elected and appointed officials. It is not overreaching to state that reliable communications initiatives in local government contributes to the creation of an environment of trust within a community. This trust may manifest in any number of ways: community engagement, citizen involvement, and confidence that the agency is and will remain transparent in its interaction with the community. It will be vital that the next communications professional be able to cut through the "noise" of misinformation and red herrings to provide consistently reliable information in a form the community is able to access and understand in a timely manner.

With the departure of the former Communications Manager in May of this year, efforts to fill the position at the existing level have been unsuccessful to date. If a candidate is selected at our current salary and benefits the most probable outcome is a decline in our communications program. With the continued investment in capital improvements, citywide master plans, residential, commercial, and industrial growth, and expectations of increased levels of services, it is essential that the communications program recommence the development and implementation of continued improvement.

There does exist, however, an opportunity to renew and enhance the city's communication program. It involves upgrading the communications position to a Chief Communications and Marketing Officer. Such position would be filled with a subject matter expert, ideally a combination of equal parts visionary, strategizer, implementer and advisor. The ideal candidate for this position will be an individual with experience working in an autonomous environment, capable of determining and executing various communications and marketing needs as determined by the community, city council, and organization. Attracting a candidate who is proficient in many areas of communications, and, particularly in marketing, will require an increase in compensation. Conversely, it should also decrease or potentially eliminate the need for contractual services (crisis communications/public relations) and allow the communications program to function successfully at a high level in what is currently a one-person role.

Based on our review and preliminary inquiries, the annual cost to upgrade the position is approximately \$40,000, which includes salary (up to \$97,000), health care, retirement benefits, car, and cell phone allowance. If approved, there is no funding needed for the remaining two months of the current fiscal year due to cost savings resulting from the current vacancy.

Effective with the FY 2023 budget, funding for the upgraded position is proposed to come from both the General Fund at 75% and the Water/Wastewater fund at a 25%.

RS4. CONSIDER A RESOLUTION AUTHORIZING THE A HANGAR LEASE AGREEMENT WITH PLANE PLACE AVIATION, LLC FOR HANGAR 98 AT THE CLEBURNE REGIONAL AIRPORT.

Presented by: Sharlette Wright, Airport Manager

Summary: Hangar 98 is one of the larger hangars on the North end of the airport. Previously it was used as a paint facility by Texas Aircraft Services. Due to non-compliance with the lease agreement we terminated the lease with Texas Aircraft Services (TAS) and the hangar has remained vacant for 10 months. Part of the previous agreement with TAS, they were to complete the installation of restrooms, office space and install fire suppression in the hangar. None of the items were completed, so we negotiated and mutually terminated the lease.

To locate a tenant, the City contracted with Air Space Brokerage services to help in the locating and negotiation for a viable tenant. The hiring of Air Space was approved at the regular Council meeting on September 14, 2021. (RS09-2021-119) The fee for services will be \$54,360 which is 6% of the value of the lease.

Plane Place Aviation, LLC is an aircraft maintenance facility. They began working at the airport in March of 2022 and within a few weeks realized they are in need of more space. The aircraft serviced by Plane Place Aviation, LLC are medium to large corporate jets. Hangar 98 has the door height and space required to work on larger aircraft. This would provide Plane Place the ability to receive more aircraft for service.

Plane Place will make repairs to the hangar and complete the renovations of the office space to fit their needs. They do not perform hot work or painting. Sprinkling is not required for this facility due to the use being for maintenance only. Plane Place agrees to spend no less than \$150,000 over the first 5-years in improvements. Receipts shall be submitted on an annual basis. All improvements shall be approved in advance by the City and properly permitted. All City, State, and/or Federal codes, laws, ordinances, and regulations will be followed. The proposed improvements are as follows:

- Complete the buildout of the office space
- Complete the restrooms
- Install an additional walk through exit door on the East side of the hangar
- Install HVAC units
- Upgrade the wiring
- Install Fire Extinguishers
- Repair the torn metal on the hangar door

The proposed lease will be for 10 (ten) years and the fee schedule is as follows:

- August 1, 2022 – July 31, 2023 \$5,000 per month/\$60,000 annually
- August 1, 2023 – July 31, 2024 \$6,000 per month/\$72,000 annually
- August 1, 2024 – July 31, 2025 \$7,000 per month/\$84,000 annually
- August 1, 2025 – July 31, 2027 \$7,500 per month/\$90,000 annually
- August 1, 2027 – July 31, 2029 \$8,000 per month/\$96,000 annually
- August 1, 2029 – July 31, 2031 \$8,500 per month/\$102,000 annually
- August 1, 2031 – July 31, 2032 \$9,500 per month/\$114,000 annually

Per the proposed lease, Plane Place will have the option to extend the lease an additional sixty (60) months at the then fair market rate of similar hangar facilities, subject to their full compliance with lease terms and being in good standing at the end of the initial term of the lease. Plane Place will also be responsible for property maintenance, all utilities and liability insurance. The value of the proposed lease is \$906,000 after the initial term is completed.

RS5. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS AND NEWNAM, INC FOR ENGINEERING SERVICES ON INDUSTRIAL BLVD FROM CHISHOLM TRAIL PARKWAY TO STATE HIGHWAY 171 FOR AN AMOUNT NOT TO EXCEED \$155,800.

Presented by: Jeremy Hutt, Director of Public Works

Summary: On March 8, 2022, City Council approved an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TXDOT) regarding funding for improvements to Industrial Boulevard between the Chisholm Trail Parkway and SH171. TXDOT has recently released the project to the City, allowing the project to move into the design phase.

The Project includes rebuilding and widening the existing narrow roadway to a 38' wide curb and gutter section, which will better accommodate the heavy industrial truck traffic that utilizes the roadway. Turn lanes at the intersections will also be included, where needed.

The proposed engineering services agreement includes basic survey, engineering design and geotech services for a lump sum price of \$118,250. Bid and construction phase services are to be charged hourly, for a not-to-exceed price of \$37,550. The total contract not-to-exceed amount is \$155,800. The design phase is expected to take approximately 7 months and the project is proposed to move into construction upon completion of design.

Funding for the project, as outlined in the AFA, is an 80/20 split, with the City responsible for 20% of the total project costs plus any overruns. The State will pay the City \$120,000 for its share of engineering design fees and \$1,200,000 to the City for construction costs in fiscal year 2023. The City's local match of \$30,000 for engineering costs is available in the FY22 budget. The additional \$5,800, if needed, can be funded from existing operational funds. The City's cost-share for construction is \$300,000.

OC3. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE EMERGENCY REPAIR OF A 16" WATER MAIN TO THOMPSON PIPE IN THE AMOUNT OF \$101,723.95 AND DECLARING THE PURCHASE AN EMERGENCY UNDER THE PROVISIONS OF SECTION 252.022 (2) OF THE LOCAL GOVERNMENT CODE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: On June 23, 2022, a utility contractor, Pantheon Construction Inc., installing gas lines for Atmos Energy, struck a marked water transmission main with a directional boring machine. This resulted in a penetration of the 16" Concrete Cylinder Pipe. This transmission line is a main transmission line for the water distribution system and staff immediately began the process of repairing the damage caused by the utility contractor. Due to the extent of the damage, and the type of pipe material, third party resources and equipment were necessary to perform the repairs.

Staff was able to procure the services of Thompson Pipe, a third party contractor that can perform this type of emergency repair on concrete cylinder pipe.

The repair necessitated several steps using specialized equipment, taking approximately 36 hours to complete. The total cost of services for Thompson Pipe was \$101,723.95. This expenditure was necessary for maintaining our water distributions system, TCEQ compliance, and the avoidance of possible system wide water outages. The City will be seeking reimbursement from the Contractor for all expenses associated with this damage and the associated repair. 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”.

OR3. CONSIDER A JOINT ORDINANCE CONSENTING TO THE RELEASE OF CLEBURNE’S EXTRATERRITORIAL JURISDICTION FOR ±38.170 ACRES LOCATED ALONG COUNTY ROAD 805A, APPROXIMATELY 1,200 FEET SOUTH OF US HIGHWAY 67

Presented by: David Jones, Director of Community Development

Summary: MKP Development has petitioned the City of Keene for the annexation of a ±35.067 acre tract along County Road 805A, along with the associated right of way (approximately 3.103 acres). The tract is currently shown within Cleburne’s ETJ, and annexation of the tract requires an agreement between the two cities that releases the portion of ETJ from Cleburne and assigns it to Keene.

DISCUSSION & UPDATES

OC4. UPDATE OF MEDICAL AND DENTAL BENEFITS RENEWAL.

Presented by: Debra Powledge, Director of Human Resources

Summary: Heath Haigood with HUB International is here to present the results and recommendations of the RFP for Medical and Dental Benefits. Recommendations are being presented to maintain the level and quality of the benefits provided to employees and their families, while trying to mitigate the increased costs of health and dental benefits.

OC5. DISCUSSION AND GENERAL DIRECTION FROM CITY COUNCIL REGARDING REQUEST FROM JOHNSON COUNTY HERITAGE FOUNDATION FOR ADDITIONAL FUNDING RELATED TO THE OPERATION OF THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Staff will provide a brief overview and points for consideration as it relates to the recent request from the Johnson County Heritage Foundation for additional funding for the Chisholm Trail Outdoor Museum. Staff seeks general direction from City Council as it pertains to actions moving forward, as well as fiscal considerations within the upcoming FY 2022-23 budget.

OC6. DISCUSSION AND UPDATE ON BNSF PROJECT AND THE ASSOCIATED FM 4 ROAD CLOSURE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will provide City Council with an update on the BNSF Project and the associated FM Road Closure.

OC7. UPDATE ON THE WATER UTILITY AND THE CURRENT DROUGHT CONDITIONS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will provide City Council with an update on the current drought conditions and the effects on the water utility.

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:

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, July 22, 2022**, 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



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.