



CITY COUNCIL REGULAR MEETING AGENDA
SEPTEMBER 26, 2023 @ 5:00 PM
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 PM the same day will be distributed to the Council for consideration.

I. ROLL CALL AND CALL TO ORDER

City Council:

Scott Cain, Mayor
Derek Weathers, SMD 1
Blake Jones, SMD 2
Mike Mann, Mayor Pro Tem/SMD 3
John Warren, SMD 4

Administration:

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

II. INVOCATION by Dr. David DenHartog, Cleburne Bible 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

COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. PRESENTATION – Convention and Visitor Bureau Insights and Update, Heather Juarez, Tourism/Marketing Director

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 SEPTEMBER 12, 2023, REGULAR COUNCIL MEETING AND SEPTEMBER 15, 2023, EMERGENCY COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF SEVENTEEN MOTOROLA APX RADIOS FOR AN AMOUNT NOT TO EXCEED \$143,127.

Presented by: Rob Severance, Chief of Police

Summary: The FY 2024 budget included funding to begin the replacement process for police department handheld radios and two new marked police vehicles. This will allow the purchase of 15 handheld radios and two mobile radios. The radios will be purchased using HGAC contract RA05-21 with additional discounts applied as a primary user of the North Texas Interoperable Radio Network (NTIRN) per Fort Worth Contract #50054.

RS2. CONSIDER A RESOLUTION AUTHORIZING A COMMUNICATIONS SYSTEM AGREEMENT AMENDMENT WITH JOHNSON COUNTY THAT ALLOWS THE CITY OF CLEBURNE TO OPERATE RADIOS ON THE COUNTY-OWNED PROJECT 25 RADIO SYSTEM FOR AN AMOUNT NOT TO EXCEED \$46,000.

Presented by: Rob Severance, Chief of Police

Summary: Cleburne Police, Fire and Cletran use the Johnson County owned and maintained Project 25 radio system for daily communications. Due to the addition of users to the Johnson County Radio System the fees to use the radio system have been reduced. The City currently pays \$18.52 per radio per month. Effective October 1, 2023 the rate will be \$16.64 per month per radio. The estimated annual cost is \$46,000 which has been budgeted in the FY 2024 budget.

RS3. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BENNETT'S UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM FOR PROPERTY LOCATED AT 300 EAST CHAMBERS STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Melissa Bennett, representing Bennett's, has submitted an application for reimbursement of eligible expenditures related to improvements to the property at 300 E. Chambers Street. The scope of work to be performed includes the following:

- Replacement of existing HVAC units with two new 5-ton split system HVAC units
- Replace sub-floor, floor tiles, sheetrock, wall tiles, and plumbing fixtures in two bathrooms

Total estimated cost of the project is \$35,275, and under the terms of the Program, 50% of eligible costs are reimbursable up to a maximum of \$25,000. In this case, the reimbursement would be \$17,638. If this request is approved, there will be \$32,362 in remaining funding for other projects during FY 2024.

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH CHRISTMAS IN ACTION, BENEFITTING THE HELPING OCCUPANTS PROSPER EVERYDAY (“HOPE”) COMMUNITY REVITALIZATION PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: The City and Christmas in Action (CIA) initially entered into an Economic Development Program Agreement (“Agreement”) effective October 1, 2018, with subsequent annual renewals occurring each September. The current agreement will expire September 30, 2023. The proposed terms of this new agreement include an initial 12-month term, with a provision for automatic renewal of an additional 12-month term, essentially allowing it to be a 2-year contract provided all terms and conditions are met. The purpose of the agreement is to promote economic development through investment in the housing stock within Cleburne and to provide repairs to homeowners who qualify for assistance under the HOPE Program. While the agreement calls for the City to provide funding in the amount of CIA fifty thousand dollars (\$50,000) annually, with payments on a quarterly basis to administer and implement the HOPE program, additional funds come from sponsorships, donations and fund-raising activities.

RS5. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION RELATED TO OPERATIONS OF THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

Summary: The Chisholm Trail Outdoor Museum (CTOM) has been in continuous operation on City of Cleburne property west of Lake Pat Cleburne along US highway 67 since 2005, during which time a lease agreement was executed between the City and Johnson County Heritage Foundation, Inc. Since then, the size and scope of CTOM operations has expanded, including construction of several new structures, addition of a full-time onsite manager, and the scheduling of additional events throughout the year. In addition to events open to the public, CTOM has also become a destination for weddings, receptions, and other privately-held events that generate additional revenue for CTOM.

A Chapter 380 Economic Development and Performance Agreement was executed in March 2023, which includes funding of \$55,000 annually, subject to compliance with certain terms and conditions as outlined in the agreement. The current agreement expires on September 30, 2023.

OR1. CONSIDER AN ORDINANCE ACCEPTING A CERTIFICATE OF UNOPPOSED CANDIDATES FOR THE OFFICE OF COUNCILMEMBER, SINGLE MEMBER DISTRICT THREE AND DECLARING THE NOVEMBER 7, 2023, SPECIAL ELECTION CANCELED.

Presented by: Ivy Peterson, City Secretary

Summary: The candidate filing period ended on September 6, 2023, with no individuals submitting an application for the November 7, 2023, Special Election to elect a Councilmember

for Single Member District Three (SMD3). As the officer responsible for preparing the official ballot, the City Secretary certifies in writing to the City Council that no candidates, for place on the ballot or write-ins, have declared candidacy and hereby submit a Certificate of Unopposed Candidates. In this circumstance, the Texas Election Code, Section 2.053, directs the governing body, by order or ordinance, to declare each race unopposed and to cancel the election.

In July 2023, the City executed an agreement with Johnson County for election services and a notice has been provided to the Elections Office of the cancellation. As required by statute, the cancellation ordinance is to be posted on Election Day at each polling place that would have been used in the election.

An item will be presented to Council after November 7th to call a special election to fill the un-expired term of the SMD3 councilmember seat to be held at the next uniform election date in May 2024.

RS6. CONSIDER A RESOLUTION APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF AUGUST 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Accounts payable payments for the month of August 2023, total \$11,609,581.56. There were no budget transfers processed for August 2023.

ACTION AGENDA

OR2. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2024 (#1) TO PROVIDE FUNDING FOR IMPROVEMENTS RELATED TO THE PROPOSED HEFFLEY AVIATION LAND LEASE AGREEMENT.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: This budget amendment, if approved, will increase appropriations by \$82,500 from unreserved fund balance in the General Fund (Fund 01) and increasing appropriations by \$220,000 from unreserved fund balance in the Water & Sewer Fund (Fund 60).

RS7. CONSIDER A RESOLUTION AUTHORIZING A LAND LEASE AGREEMENT WITH HEFFLEY AVIATION, LLC FOR BUSINESS USE AND DEVELOPMENT OF THREE AIRCRAFT HANGARS AT CLEBURNE REGIONAL AIRPORT.

Presented by: Garrett Watson, Airport Manager

Summary: Heffley Aviation, LLC is a business specializing in aircraft (specifically jet) sales, acquisitions, management, and brokerage services. Heffley would like to move their base of operations from Meacham Airport in Fort Worth to Cleburne Regional Airport.

Heffley Aviation is proposing to construct up to three (3) hangars on airport property south of the terminal. The proposed development area, including non-exclusive use areas, is approximately 139,200 square feet, while the actual lease area is estimated at 96,600 square feet. The tenant would be responsible for all development costs within the proposed development area to include pavement and drainage improvements in the non-exclusive use areas. Construction costs within the non-exclusive use area are estimated at \$850,000 and are to be credited to their

annual lease payments (approx. \$19,320 annually, not including CPI adjustment every two years).

Lease terms are for 40 years with one 10-year extension option. Additionally, in order to accommodate the proposed improvements, the City will need to extend water and sewer lines approximately 500 feet, relocate a portion of the drainage channel and perimeter fencing, and extend vehicular road access to the proposed development area. The cost to the City is estimated at \$302,500 and will be presented for Council consideration as a budget amendment in conjunction with the proposed land lease. If approved, these improvements by the City positions the airport for further development at the south end of the field.

RS8. CONSIDER A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PLAYGROUND AT WINCHESTER PARK LOCATED AT 1411 HYDE PARK BOULEVARD FOR AN AMOUNT NOT TO EXCEED \$186,183.77.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The development of Winchester Park was included in the 2022 Sales Tax 4B Corporation Revenue Bonds. This project calls for the installation of a playground structure featuring multiple slides and a shade canopy, two swing bays, a shade canopy for benches, a concrete sidewalk leading from the street to the play areas, concrete curbing around the play areas, engineered wood fiber installation, site grading, and a bike pad. Cunningham Recreation is recommended for this project utilizing BuyBoard Contract #679-22, for an amount not to exceed \$186,183.77. This proposed amount includes the base proposal of \$169,257.97 and a 10% contingency fund of \$16,925.80.

Winchester Park is located at 1411 Hyde Park Boulevard and consists of 0.5 acres of parkland within the Winchester subdivision. On July 18, 2023, the Parks & Recreation team held a neighborhood meeting with 22 people attending. Neighbors supported the development of the park with a play area for children and requested shade structures. Additional items for this project include installing a wood privacy fence along the property line that backs up to a field, a 5' tall iron fence around the playground and swing set, park signage, trash cans, benches, and landscaping.

The Parks and Recreation Advisory Board unanimously recommended the development of this park with the layout provided by Cunningham Recreation, at their September 11, 2023, meeting. And on September 21, 2023, the 4B Economic Development Corporation Board of Directors considered and unanimously recommended Cunningham Recreation to develop Winchester Park for an amount not to exceed \$186,183.77.

RS9. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH TICO TECHNICAL INSTALLATION COMPANY, LLC FOR THE POTABLE WATER TANK MIXING SYSTEMS PROJECT FOR TOTAL PROJECT AMOUNT NOT TO EXCEED \$143,078.35.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Maintaining disinfectant levels throughout the water distribution system is imperative to delivering consistent high quality potable water. As part of the City's ongoing commitment to water system improvements, and to see if residual levels could be improved, a tank mixer system was installed on a trial basis at the Mount Carmel Elevated tank this summer. The trial was a

success, as the introduction of the mixer resulted a chloramine residual maintaining longer at a higher level than without the mixer. This trial period provided positive results and warranted the installation of mixers system wide.

At the conclusion of the trial period the City initiated design of this project and subsequently went out for bids on installing tank mixers at six (6) water tanks within the system. Construction bids were received on September 8, 2023, and the City received two (2) bids, ranging from \$123,078.35 to \$179,900.00. Tico Technical Installation Company, LLC submitted a bid of \$123,078.35 and is considered to be the best value to the City. The proposed resolution includes a contingency of \$20,000 to address any field changes that are needed in order to complete the project. Funding for this contract is available in the M&R Structures budget approved in the city's FY23 Budget.

DISCUSSION & UPDATES

OC1. DISCUSS PRIVATE STREETS AND ASSOCIATED DEVELOPMENT REQUIREMENTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City receives inquiries, from time to time, about private infrastructure associated with new developments and there are limited regulations that address this topic. City staff will lead a discussion on the topic of private streets.

EXECUTIVE SESSION

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:

- EX1.** Actions taken and to be taken related to securing the building located at 14 East Chambers Street (further described as the Southwest Corner of South Caddo Street and East Chambers Street)
- EX2.** Discuss City of Cleburne sanitation services and potential contract provisions related to the exclusive franchise agreement and transfer station operations

Section 551.087. Deliberation Regarding Economic Development Negotiations - This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1):

EX3. Discuss request for amendment of Chapter 380 Agreement related to 201 East Chambers, LLC

EX4. Tax Increment Reinvestment Zone

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

CERTIFICATION

THIS IS TO CERTIFY 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, as well as the City's official website at www.cleburne.net and said Notice was posted on **Friday, September 22, 2023**, 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: 

Christina Wilson, Assistant to the 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.