



CITY COUNCIL REGULAR MEETING AGENDA
SEPTEMBER 8, 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 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 (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
- ✓ 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

- ☆ Proclamation – POW/MIA Recognition Days, September 10-20, 2020
- ☆ Proclamation – 9/11 Day of Remembrance - Patriot Day, September 11, 2020
- ☆ Proclamation – Constitution Week, September 17-23, 2020
- ☆ Presentation – GFOA Distinguished Budget Presentation Award – Troy Lestina

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 AUGUST 25, 2020 REGULAR COUNCIL MEETING.

RS1. A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL SEPTEMBER 22, 2020 AT 11:59 P.M. CENTRAL STANDARD TIME.

Presented by: 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 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, and on August 25, 2020 by RS08-2020-88 until September 8th.

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 September 22, 2020 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM GRANT.

Presented by: Sharlette Wright, Airport Manager

BRIEF: The grant is a 50/50 match from the Texas Department of Transportation that is received annually to help with the grounds, building and weather station maintenance. The grant amount is \$50,000.00. An example of the items covered are:

- Runway/taxiway light bulbs and fixtures
- Maintenance agreement for the weather station AWOS (Automated Weather Observation Station)
- Hangar/building maintenance
- Self-service fuel island repairs
- Crack sealing of runway, taxiway and aprons

All airside maintenance needs come first. The runway/taxiway lighting, pavements, drainage and weather station are considered airside. The items that directly relate to the travel of aircraft come first before other items are addressed.

RS3. CONSIDER A RESOLUTION AUTHORIZING AMENDMENT TO THE COMMUNICATIONS SYSTEM AGREEMENT WITH JOHNSON COUNTY FOR OPERATING RADIOS ON THE COUNTY-OWNED AND INTERFACED WITH THE CITY OF FORT WORTH'S COMMUNICATION SYSTEMS.

Presented by: Linn Goodman, Assistant Chief of Police

BRIEF: The County has determined the fee needs to be increased to offset increases by the County in the operation and management of the system from \$19.41 per month per radio to \$19.80 per month per radio, effective October 1, 2020.

For Fiscal Year 2020, the City had approximately 179 radios on the system. For Fiscal Year 2021 the City will have approximately 200 radios on the system due to the addition of Cletran. The total cost is approximately \$47,520.00.

RS4. CONSIDER A RESOLUTION AUTHORIZING CONTRACTS FOR SUPPLY OF WATER TREATMENT CHEMICALS.

Presented by: Jeremy Hutt, Director of Public Works

BRIEF: Staff has solicited bids for six (6) chemicals that are used in the operation of the water utilities. A total of twelve (12) companies submitted bids to provide the chemicals at various rates. The chart below shows the recommended vendor for each of the six chemicals.

Item Description	Bidder Name	Item Cost
Anti-Foam Concentrate	Polydyne, Inc	\$565.80 per 55-gallon container
Bulk Quick Lime	Texas Lime Company	\$146.96 per ton
Liquid Ferric Sulfate	Chemtrade	\$192 per wet ton
Potassium Permanganate	Chemrite, Inc	\$79.49 per 50lbs
Powder Activated Carbon	Brenntag	\$48.31 per 50lb bag
Sodium Bisulfite	INEOS Calabrian	\$0.11 per wet pound

The agreement term is October 1, 2020 through September 30, 2021 with an option to renew for three (3) additional twelve (12) month periods, if both parties agree to extend the agreement. The proposed resolution authorizes the City Manager to execute the original agreement along with any subsequent renewals in accordance with the agreement terms.

OR1. CONSIDER AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 50: GARBAGE AND TRASH, SECTION 50.06: RATES FOR HAULING AND DISPOSING OF GARBAGE, OF THE CODE OF ORDINANCES.

Presented by: Jeremy Hutt, Director of Public Works

BRIEF: On August 25, 2020, the Cleburne City Council approved a rate adjustment with Waste Connections (dba Progressive Waste Solutions) in the amount of 2.0% on both the commercial refuse collection rate and the rate paid by the City to remove solid waste from the Transfer Station. This increase will take effect on October 1, 2020. This ordinance amends Section 50.06 Rates for Hauling and Disposing of Garbage to reflect the rate adjustment approved by Council.

RESOLUTIONS

RS5. CONSIDER AN ORDINANCE GRANTING A REQUEST FOR A PRIVATE WATER WELL AT 3018 SOUTH NOLAN RIVER ROAD FOR RESIDENTIAL USE, PURSUANT TO TITLE V: PUBLIC WORKS, CHAPTER 51: WATER AND SEWERS, SECTION 51.004: WATER WELLS; AS REQUESTED BY CODY CURLEE.

Presented by: Jeremy Hutt, Director of Public Works

BRIEF: Mr. Cody Curlee purchased a lot at 3018 South Nolan River Road and the property does not currently have access to city water. The applicant has applied for permission to drill a water well to provide water service at the subject property for the purpose of building a single family residence. Section 51.004 of the Code of Ordinances allows for water wells within the City Limits if:

- The existing public water supply does not exist within 660 feet of the property (the nearest waterline is over 680' away) and;
- The applicant provides a recommendation letter from a competent water engineer (provided) and;
- City Council approves the request for the water well

Staff has reviewed the submitted documentation and agrees with the Engineer that this water well will not interfere with the public utility.

ORDINANCES

OR2. HOLD PUBLIC HEARING AND CONSIDER AN ORDINANCE TO REZONE ±1.6 ACRES FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR MINI WAREHOUSE/STORAGE GARAGES), LOCATED APPROXIMATELY 280 FEET WEST OF NORTH NOLAN RIVER ROAD AND ON THE SOUTH SIDE OF WEST KILPATRICK AVENUE, AS REQUESTED BY SVENDSEN PROPERTIES, LLC, REPRESENTED BY PETER SVENDSEN, CASE ZC20-014.

Presented by: Shane Pace, Executive Director of Development Services

BRIEF: The applicant is requesting a Specific Use Permit (SUP) to construct a 5,200 square foot, twenty-six (26) unit storage garage facility on the property located approximately 280 feet west of N. Nolan Road and on the south side of W. Kilpatrick Avenue.

The applicant, who is also the developer of the future Brookhaven Court duplex development immediately west of the subject property, has indicated their intent to construct the storage garage facility to provide extra storage space for their future tenants. The Brookhaven Court duplex development is currently under construction and consists of ten (10) residential structures, for a total of twenty (20) duplex units, each of which would have access to the storage garages.

The applicant has indicated that the storage garage facility will have stone masonry on the bottom third of the building as a wainscoting. The property will be enclosed by a six (6) foot wrought iron fence and the entrance along W. Kilpatrick Avenue will be landscaped with mini crepe myrtles

and ground cover. The applicant has indicated that all lighting will be attached to the building. Additionally, the applicant intends to preserve the natural tree growth along the western and southern property boundaries to utilize as a natural buffer from the existing residential areas.

A total of fourteen (14) property owners within 200 feet were notified. Staff did not receive any responses in support of or in opposition to this request.

The Planning and Zoning Commission considered this request at their August 24, 2020 meeting and recommended approval by a vote of 5-0 with the following conditions:

1. The north elevation of the building, facing W. Kilpatrick Avenue, be 100% masonry; and
2. The waiver for the parking requirement be approved as requested.

The applicant has requested a waiver from the required minimum parking standards for the self-storage land use, which requires one (1) parking space per 1,000 square feet of floor area. Based on the proposed size of the facility (5,200 square feet), a total of six (6) parking spaces is required. The applicant has indicated that, unlike most commercial self-storage facilities, there will not be an office constructed on-site, since this facility will be intended for the duplex tenants and no employees will be on-site.

The properties to the north and east are zoned C3 (Commercial District) and consist of multi-family homes to the north and commercial uses to the east. The property to the west is the future Brookhaven Court duplex development currently under construction, which is zoned PD/T (Planned Development/Townhouse District). The property to the south is zoned MF (Multiple-Family Housing District) and consists of multi-family homes.

The Future Land Use Plan shows this property to be located in the Traditional Neighborhoods District, whose purpose is to support future population growth in a traditional neighborhood development context. The proposed SUP request for a commercial use is considered appropriate within this district.

BUDGET & TAX RATE

OR3. HOLD SECOND PUBLIC HEARING AND CONSIDER AN ORDINANCE APPROVING THE FISCAL YEAR ANNUAL BUDGET BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021.

Presented by: Troy Lestina, Director of Finance

BRIEF: In accordance with Section 6.2 of the City of Cleburne Charter, Preparation And Submission Of Budget, the City Manager filed the proposed budget on August 7, 2020 and presented it to the City Council at the August 11, 2020 City Council Budget work session. At the conclusion of the work session, City Council gave direction to the City Manager to move forward on September 8, 2020 for adoption of the proposed fiscal year 2021 budget as presented.

The proposed budget for fiscal year 2021 is based on conservative fiscal management practices and balances the needs of the community with available resources. It is founded primarily on the assumptions as discussed during the March 2, 2020 Council's Strategic Planning Workshop, which outlines various projects addressing our key focus areas of Economic Development, Planning and Growth Management, Public Infrastructure Enhancements, Aesthetics/Quality of Life Programs, and Information Sharing/Communications.

Revenue:

- No planned tax rate increase
- Continue pursuit of economic development opportunities
- Fee schedule revisions as appropriate
- Identify and implement operational cost savings initiatives
- Pursue grant opportunities
- Public/Private partnership opportunities

Expenditures:

- Continue to invest in our employees
 - Support current compensation plan
 - Pay plan adjustments – public safety
- Invest in infrastructure, facilities, vehicles and equipment
- Enhance fund balance reserves where possible

Below are some, but not all, of the major proposed fiscal year 2021 city-wide capital purchases and large operating expenses:

- Replacement sanitation truck
- General Vehicle Replacement for Police, Fire, and Streets
- Major Street Repair Projects
- Transfer Station Residential Unloading Area Engineering & Construction
- Façade and downtown building rehabilitation improvement Programs

As a point of reference, this item is presented as a public hearing for compliance with Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter that states “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” To be in compliance with this Charter requirement, at the August 11, 2020 City Council meeting, the City Council stated its intent to schedule and hold the public hearing to adopt the budget on September 8, 2020, at 5:00pm, a regularly scheduled meeting of the City Council. Additionally, for compliance with state law, a record vote must be taken on this proposed ordinance. The proposed ordinance includes the appropriation amounts for the following budgets: General Fund, Water/Wastewater Fund, General Debt Service Fund, 4B Sales Tax Fund, 4A Sales Tax Fund, Airport Fund, and Drainage Utility Fund.

OR4. HOLD SECOND PUBLIC HEARING AND CONSIDER AN ORDINANCE APPROVING THE FISCAL YEAR 2021 TAX RATE OF \$0.760092 PER HUNDRED DOLLARS OF VALUATION, IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS TAX CODE.

Presented by: Troy Lestina, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code requires taxing units to comply with “Truth-in-Taxation” laws in setting tax rates. The proposed rate for Fiscal Year 2021 is \$0.760092 per \$100 of valuation, which was the rate presented to the City Council at the August 11, 2020 budget workshop. This rate is lower than Fiscal Year 2019 and Fiscal Year 2020. The calculated Fiscal Year 2021 new-revenue tax rate is \$0.770197 per \$100 of valuation utilizing the July 25, 2020 certified tax roll.

As the proposed rate of \$0.760092 is lower than the no-new-revenue tax rate of \$.770197, a city must take several actions for compliance with Chapter 26 of the Texas Property Tax Code. The City Council, took a record vote to set the time, date and place of two public hearings for public comment on the proposed FY 2021 tax rate prior to the tax rate adoption. Attached Resolution RS08-2020-86 was approved by City Council on August 11, 2020 setting the two public hearings. In accordance with Section 140.010 of the Local Government Code, a “Notice of Public Hearings on the Proposed Tax Rate” containing information about the two public hearings was published in the Cleburne Times-Review on Tuesday, August 15, 2020. A “Notice of Meeting to Vote on Tax Rate” was also published in the local newspaper on Saturday, August 29, 2020. The first public hearing was held on Tuesday, August 25, 2020 at 5:00 p.m., and the second public hearing as well as proposed adoption on Tuesday, September 8, 2020 at 5:00 p.m.

As a point of reference, the effective tax calculation rate sets the interest and sinking rate (Debt Service rate) at \$0.110391. The remainder of the tax rate of \$0.649701 will be allocated to operations and maintenance (General Fund rate). The ordinance adopting the Fiscal Year 2021 tax rate reflects these rates, as required by the no-new-revenue tax rate calculation.

RS6. CONSIDER A RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE FOR THE FISCAL YEAR 2021 ANNUAL BUDGET, AS REQUIRED BY SECTION 102.007, CHAPTER 102: MUNICIPAL BUDGET OF THE LOCAL GOVERNMENT CODE.

Presented by: Troy Lestina, Director of Finance

BRIEF: Chapter 102.007 Subsection (c) of the Local Government Code requires that after the adoption of a budget that will raise more property tax revenue than the last year’s budget, a separate agenda item and vote is required for a City Council to ratify that revenue increase. This agenda item provides for that ratification of the proposed Fiscal Year 2021 General Fund budget, as the tax rate of \$0.760092 is lowered from the prior fiscal year, but property valuation increased by 3.7%, which produces a property tax revenue increase of \$407,547. The increase primarily provides funding for the public safety pay plan adjustments.

RS7. CONSIDER A RESOLUTION ESTABLISHING THE CITY’S CONTRIBUTION RATE TO THE CLEBURNE FIREFIGHTERS RELIEF AND RETIREMENT FUND; PROVIDING AN EFFECTIVE DATE.

Presented by: Debra Powledge, Director of Human Resources

BRIEF: Unlike other city employees, Cleburne firefighters do not participate in the Texas Municipal Retirement System or social security. Rather, they participate in the Cleburne Firefighters Relief and Retirement Fund (CFRRF). The Mayor (or designee – City Manager) and the City’s Finance Director serve on the Board of Directors for the CFRRF along with representatives from the membership. During previous budget approvals, the City Council has appropriated funds to this program at a rate equivalent to the current City TMRS (Texas Municipal Retirement System) contribution plus 6% (in-lieu of social security) or 22%, whichever is greater.

The City currently contributes at a rate of 22.28%. This includes 16.28% for the TMRS rate and the additional 6% in-lieu of social security. The firefighter’s currently pay into the CFRRF fund 8% (similar to TMRS members) plus an additional 6% for a total of 14%. In addition to other

recently approved fund changes, beginning on October 4, 2020, firefighters will increase their contributions by an additional .5% to 14.5%. Also, as included in the FY 2021 budget beginning in calendar year 2021 TMRS contributions will increase 0.10% to 22.38%.

Per an analysis performed by actuaries Rudd and Wisdom, Inc., these contribution rates and membership approved plan modifications will improve the Cleburne Firefighter's Relief and Retirement Fund's solvency and unfunded liability. Several changes were recently voted in by the membership. These include a contribution increase of .5% by employees, as well as several reductions in benefits. The reductions in benefits include an exclusion of overtime from retirement benefit calculation beginning January 1, 2020, a reduction in benefit calculation multiplier from 68% of final average salary with a \$97 longevity to a multiplier of 62% of final average salary plus a 2% longevity, and a retiree will no longer receive the employee contributions from the DROP period. Also voted in by the membership is a new hire tier that would be effective September 1, 2020 and would reduce the DROP period from five (5) years to three (3) years and reduce the benefit multiplier again to 58% of final average salary and a 1.9% longevity calculation for any new members hired on after the tier date. These changes coupled with the increase in firefighter pay that was included in the budget will improve the retirement funds ability to stay solvent and keep below a thirty-year (30) amortization period.

The proposed resolution suggests continuing the City's current contribution rate criteria for an additional period of twenty-four (24) months while noting the minimum 14.5% firefighter contribution rate. During the next twenty-four months, the Board will continue to monitor and review the fund performance to address what, if any, additional changes are required to maintain the financial viability of the CFRRF.

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.**

A. §551.071. Consultation with Attorney; Closed Meeting A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

EXE1. Discuss Municipal Utility District – Shane Pace, Executive Director of Development Services

B. §551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting 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).

EXE2. Discuss Victron Energy project and their request for economic development incentives – Grady Eason, Economic Development Manager

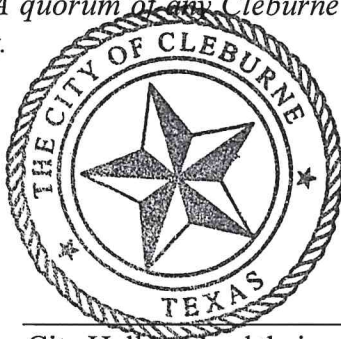
ADJOURNMENT

ADJOURNMENT:

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 **September 4, 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
Ivy Peterson, City Secretary



City Hall is wheelchair 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.