



CITY COUNCIL REGULAR MEETING AGENDA
OCTOBER 12, 2021 @ 5:00PM
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 (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 Reverend 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.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. Presentation – 2021 Award of Excellence by the Texas Association of Municipal Information Officers (TAMIO), Dustin Dangli, Communications Manager

CMP2. Proclamation – National Code Compliance Month, October 2021, Rob Severance, Chief of Police

CMP3. Presentation – Initial Assessment regarding whether redistricting is required for City Council member districts considering the new 2020 census data, Ivy Peterson, City Secretary

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 28, 2021 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 26, 2021.

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 October 26, 2021 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT RENEWAL WITH CHRISTMAS IN ACTION, BENEFITTING THE HELPING OCCUPANTS PROSPER EVERYDAY (HOPE) COMMUNITY REVITALIZATION PROGRAM PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

Presented by: Grady Easdon, Economic Development Manager

Summary: The City and CIA entered into an Economic Development Program Agreement effective October 1, 2018 that expired on September 30, 2021. 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 City currently pays CIA fifty thousand dollars annually to administer and implement the HOPE program, additional funds come from sponsorships, donations and fund raising activities.

RS3. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH FERNANDO RODRIGUEZ FOR PROPERTY LOCATED AT 110 EAST CHAMBERS STREET, UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Rodriguez has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 110 East Chambers Street, currently operating as Apos Boot Outlet. The scope of work includes installation of 2 new upstairs 3-ton mini-split HVAC units and construct improvements to provide new access upstairs, including new stairs, partition walls, texture & paint, new exit lighting with battery backup, and new doorway.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$27,100.00, so the reimbursement would be \$13,550.00. If this request is approved, there would be \$36,450.00 remaining for other projects for FY2022.

RS4. CONSIDER A RESOLUTION AUTHORIZING A 3-YEAR LEASE PURCHASE AGREEMENT WITH HEWLETT-PACKARD FINANCIAL SERVICES COMPANY FOR HPE NIMBLE STORAGE AREA NETWORK ARRAYS IN AN AMOUNT NOT TO EXCEED \$105,000.

Presented by: David Raybuck, Director of Information Technology

Summary: The City uses enterprise storage area network (SAN) arrays at the primary and secondary datacenters to provide fast and resilient storage of digital files and virtual servers. As such, the SAN is a foundational technology that provides the underlying infrastructure for most of the City's information technology operations. The existing SAN will reach its end-of-life date in December 2021, and after this date, the manufacturer will not support it. This would pose an unacceptable level of risk, as the City will not receive critical patches, security updates, and technical support when needed. This resolution will authorize a 3-year lease purchase agreement with Hewlett-Packard Financial Services for two new HPE Nimble HF20 arrays to replace the existing arrays in an amount not to exceed \$105,000. The cost of the equipment is \$99,657 with a 3.02% annual rate of interest. This lease will require 36 monthly payments of \$2,899.02/month that will begin within 30 days of the equipment delivery and acceptance date. After the last payment is made, the City will own the equipment. The first year of this lease purchase term is funded in the FY22 budget. This lease purchase will leverage the Texas Department of Information Resources DIR-TSO-4159 Contract in order to meet all competitive purchasing requirements.

RS5. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF CITYWORKS IMPLEMENTATION SERVICES FROM NEWEDGE SERVICES, LLC FOR AN AMOUNT NOT TO EXCEED \$125,000.

Presented by: David Raybuck, Director of Information Technology

Summary: Cityworks is an enterprise application for asset management, work orders, inspections, permitting, and planning/development tracking. It builds on our existing ESRI ArcGIS platform

to allow for the GIS (geographic information system) to be the authoritative record of where assets are located, with Cityworks serving as the system of record for all City activities related to each asset. Implementing Cityworks has been a multiyear effort that was started in FY20 and that has already been implemented in 14 City divisions. This resolution is for the third year of implementation services, which will include the Sanitation, Animal Services, Fleet Maintenance, and Fire Prevention divisions.

Cityworks is a configurable solution that must be tailored to the unique processes, assets, permits, and fees of each division, and therefore requires professional services to ensure a successful implementation and to maximize adoption. Azteca Systems LLC, the developer of the Cityworks software, partners with third-party implementation companies who perform the installation, configuration, training, and deployment services required to become operational on the solution. NewEdge Services, LLC is the company that has been selected to implement the Cityworks software at the City, and they have consistently delivered high quality services within the agreed upon timelines and costs for the past two years that the City has engaged them for the aforementioned division implementations.

The total cost is \$125,000, which includes \$67,500 for the Fire Prevention PLL implementation, \$46,240 for the Sanitation, Animal Services, and Fleet Maintenance AMS implementations, and a 10% contingency. This was approved in the FY22 budget and is being purchased through an interlocal agreement with the City of Rockwall to meet competitive purchasing requirements. This work is being added to the current Master Agreement for Material and Services that was executed with NewEdge Services, LLC on November 15, 2019 for a term of five years.

RS6. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH WESTHILL CONSTRUCTION INC. UTILIZING THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH FOR THE 2022 PAVEMENT REPAIR CONTRACT FOR AN AMOUNT NOT TO EXCEED \$250,000.

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. originally in 2018 and have repeatedly renewed their contract since then. 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.

RS7. CONSIDER A RESOLUTION STATING THE PRIMARY INTENDED USES OF THE CITY OF CLEBURNE'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT.

Presented by: Marcie Freelen, Assistant Finance Director

Summary: The City received the first of two disbursements expected from the American Rescue Plan Act of 2021 (ARPA) on August 20, 2021 in the amount of \$3,877,230.64. The second disbursement is expected no sooner than twelve months later. This resolution is to obtain Council's statement of intent for the use of those funds. This plan was presented to City Council on September 28, 2021.

ACTION AGENDA

OR1. CONSIDER AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2021 IN AN AGGREGATE PRINCIPAL AMOUNT OF \$7,238,000.

Presented by: Marcie Freelen, Assistant Director of Finance

Summary: The City has consulted with the City's Financial Advisor, Hilltop Securities, to determine the opportunity for any economic savings in the debt portfolio. The Waterworks & Sewer System Revenue Bonds, Series 2010, issued in October 2010 in an amount that totaled \$14,500,000, currently has outstanding interest rates ranging from 1.984% to 2.587%. After reviewing the market conditions over the past few weeks, it was determined there would be an opportunity to refund the outstanding bonds at a present value savings of \$133,745 (2.41%) with an average annual savings of \$44,088. The new debt would be level annual debt service, with a final maturity of February 15, 2030. A benchmark of 2.41% in present value savings over the life of the issue was set as a target to move forward with the transaction. If market conditions would deteriorate to a level that a savings of a minimum of 2.41% in present value over the life of the issue could not be reached, it would be recommended to not move forward with the refunding. Jim Sabonis of Hilltop Securities will be available to review the preliminary refunding statistics with the City Council.

OR2. **PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±0.27 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 415 ELMO STREET, AS REQUESTED BY J & Z INVESTMENTS LLC, REPRESENTED BY ARGENIS JAMES, CASE ZC21-018.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 0.27 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the property located at 415 Elmo Street. The applicant has indicated their intent to rezone the subject property for future construction of a single-family residence. The Planning and Zoning Commission considered this request at their September 27, 2021 meeting and recommended approval by a vote of 7-0.

OR3. **PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±42.99 ACRES FROM PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NORTH OF 1601 EAST HENDERSON STREET, SOUTH OF COUNTY ROAD 805, AND WEST OF**

FERGASON ROAD, AS REQUESTED BY MKP & ASSOCIATES, REPRESENTED BY ADLAI PENNINGTON, CASE ZC21-017.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The Villages at Mayfield was originally approved in November 2018 for a residential subdivision consisting of single-family detached lots and townhome lots. Houses within Phase 1 are currently under construction.

On November 10, 2020, the City Council voted to approve an amendment to the Planned Development (PD) for a front porch encroachment (up to 10 feet) into the front yard setback to allow the builder, HistoryMaker Homes, to use their front porch product.

Today, the applicant is requesting an amendment to the PD to convert the 40 townhome lots to 26 single-family detached lots, specifically 25 50-foot lots and one (1) 60-foot lot. These townhome lots are located along the eastern and western boundaries, along Quail Meadows Drive and Tall Meadows Drive. The applicant has indicated that this will allow the builder, HistoryMaker Homes, to continue constructing their single-family home product and finish out the development. The proposed amendment would decrease the total number of lots within the development from 221 to 207, an overall loss of 14 lots. The applicant has provided an updated site layout with the proposed conversion of the townhome lots into single-family detached lots.

The Planning and Zoning Commission considered this request at their September 27, 2021 meeting and recommended approval by a vote of 7-0.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.40 SIGN STANDARDS, TO PERMIT AN ELECTRONIC MESSAGE BOARD, LOCATED AT 1605 WEST HENDERSON STREET, CASE VC21-005.

Presented by: Shane Pace, Executive Director of Development Services

Summary: Raising Cane’s has submitted a formal request for a variance to permit an electronic message board on the property located at 1605 W. Henderson Street. Section 156.40 of the Sign Ordinance does not permit electronic message boards at the proposed location. Therefore, the applicant is requesting a variance to permit an electronic message board. As requested, the proposed electronic message board will be included as part of the proposed multi-pylon sign for the new restaurant. The multi-pylon sign will feature a masonry base with an upper cabinet sign with the business name and a lower cabinet sign for an electronic message board.

RS8. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF RIVER RIDGE ADDITION, BEING ±314.501 ACRES, GENERALLY LOCATED WEST OF US HIGHWAY 67, NORTH OF WOODARD AVENUE AND EAST OF COUNTY ROAD 1227, AS REQUESTED BY LIONWOOD CLEBURNE, LLC, REPRESENTED BY BAIRD, HAMPTON & BROWN, INC., CASE PC21-041.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the preliminary plat for the River Ridge Addition. The preliminary plat consists of 364 single-family detached residential lots, two (2) multi-family residential lots, 19 open space lots and three (3) commercial lots.

The applicant is requesting a waiver from Section 154.043(B) of the Subdivision Ordinance, which states that block lengths shall not exceed 1,600 feet except under unusual conditions. Specifically, the applicant is requesting a waiver for proposed Block C and D along Overlook Terrace by approximately 36.77 feet (1,636.77 feet total) and for proposed Block A and H along Parkside Place by approximately 99.94 feet (1,699.94 feet total).

Typically, waivers are requested with the Final Plat after the subdivision layout is finalized given that a preliminary plat is not recorded and is only a proposed division of land for review and study by the City. Upon approval of the Preliminary Plat, civil construction plans are submitted and approved by the Engineering Department. After further review by Staff, the waiver to the maximum block length has been included as part of the Preliminary Plat as well as the future submittal of the Final Plat.

The preliminary plat meets all of the minimum requirements as outlined in Chapter 155 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their September 27, 2021 meeting and recommended approval with the waiver as outlined below with a vote of 7-0:

- a. The waiver to Section 154.043(B) for proposed Block C and D along Overlook Terrace and proposed Block A and H along Parkside Place be approved as presented.

RS9. CONSIDER A RESOLUTION AFFIRMING NOMINATIONS FOR CANDIDATES(S) FOR THE 2022-2023 BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.

Presented by: Ivy Peterson, City Secretary

Summary: The Johnson County Appraisal District has offered the Council the ability to nominate candidates to be considered for board membership of the District for the 2022-2023 term. The Council may offer up to five candidates or not offer any as it chooses. All taxing entities are offered the chance to nominate candidates and an election will be conducted in December. The City of Cleburne is entitled to 275 of the 5,000 votes and requires approximately 834 votes to secure a nominee. The current Board Members include Byron Black-Chairman, Toby Ford-Vice Chairman, Don Beeson-Secretary, Larry Woolley and Albert Archer, Sr.

RS10. CONSIDER A RESOLUTION CREATING A TEMPORARY ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING UPDATES TO THE CLEBURNE REGIONAL AIRPORT MASTER PLAN; ADOPTING A CHARGE, AND APPOINTING A COUNCILMEMBER TO SAID COMMITTEE.

Presented by: Sharlette Wright, Airport Manager

Summary: The purpose of this item is to establish an advisory committee (known as “The Cleburne Regional Airport Master Plan Update Advisory Committee”) to assist and advise city staff, and to make recommendations to City Council regarding the development and future of the Airport Master Plan.

The Committee is proposed to consist of one City Council Member, two members of the Airport Advisory Board, the Airport Manager of the Cleburne Regional Airport, one city staff member representing the Economic Development Department, one city staff member representing the Public Works Department, and one city staff member representing the City Manager’s Office.

Staff has developed a “Charge of Procedural Guidelines” for the Committee, and is included in the backup for your review.

DISCUSSION & UPDATES

OC1. DISCUSS THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM, AND PROVIDE DIRECTION TO STAFF REGARDING IMPLEMENTATION OF THE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: The Property Assessed Clean Energy (PACE) Program is an economic development tool that provides low-cost, long-term financing for commercial, industrial, and multi-family properties. Loans are provided for buildings that implement energy-efficient, distributed generation, water conservation and other “green” building strategies. The program is authorized by Chapter 399 of the Local Government Code in 2013 and has been approved for use in 33 states, and 500 counties and cities nationwide. In Texas, approximately 50 cities and counties have adopted PACE programs. The PACE program encourages energy efficiency, conservation, green building strategies and economic development without the use of taxpayer dollars.

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.** Discuss Wright Farms Municipal Utility District
- 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)
- EXE3.** Receive advice from legal counsel regarding the City’s redistricting obligations

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):

EXE4. Discuss Johns Manville project

EXE5. Discuss project regarding Ensign-Bickford former Goex 356-acre property

Section 551.074. Deliberation regarding Personnel Matters. The City Council may convene in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

EXE6. Succession planning for City Management

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

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 8, 2021**, 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



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.