



REGULAR CITY COUNCIL MEETING MINUTES
MAY 26, 2020
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

City Council meetings were reopened to the public with social distancing and sanitation guidelines in effect as a continued response to the COVID-19 health emergency. Members of the public were given an opportunity to participate in person or by teleconference.

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:02 PM

*Participated remotely

City Council:

- ✓ Scott Cain, Mayor
- X Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Bradley Anderle, City Attorney*
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Councilman Chris Boedeker

III. PLEDGE OF ALLEGIANCE

~~IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~

Mayor Cain waived the reading of the guidelines until such a time as necessary

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

None

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and enacted with one motion. There was no separate discussion of these items.

M1. CONSIDER MINUTES FOR THE MAY 12, 2020 REGULAR COUNCIL MEETING.

RS1. RS05-2020-56

CONSIDER A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH MAXINE AMMONS FOR IMPROVEMENTS TO PROPERTY LOCATED AT 419 EAST HENDERSON STREET, FOR AN AMOUNT NOT TO EXCEED

\$5,000.00; PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE AND THE CITY'S FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Ms. Ammons has submitted an application under the terms of the City's Façade Improvement Incentive Program seeking reimbursement of expenditures for improvements to the property located at 419 East Henderson Street. The scope of work for this project includes paving the existing gravel parking lot with concrete and new sidewalks. Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements will be \$26,000.00, so the maximum reimbursement would be \$5,000.00.

RS2. RS05-2020-57

CONSIDER A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF FUNDS FOR CORONAVIRUS RESPONSE FOR THE CLEBURNE POLICE DEPARTMENT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION - CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM, FY2020.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Consider grant application to the Office of the Governor – Criminal Justice Division for expenses of \$57,711 to implement technological solutions and building improvements to implement the guidelines recommended by the Centers for Disease Control and Prevention (CDC) in order to respond to and limit the spread of COVID-19. The funds will be used to implement Criminal Justice Information Systems (CJIS) compliant work-from-home setups for police department employees, reimburse costs for software and hardware already purchased, and make minor changes to the police building structure. While there are no match funds required, there will be recurring costs of \$5,542 to be considered during the FY21 budget process.

RS3. RS05-2020-58

CONSIDER A RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT GRANT FOR EXPENSES RELATED TO THE IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON AIRPORT OPERATIONS.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: Staff received notice on April 17, 2020 of the award of a grant from the Texas Department of Transportation in the amount of \$69,000 as part of the CARES Act to support the response to the impacts of the COVID-19 pandemic. The awarded funds may be used to cover revenue shortfalls, capital expenditures, general operating expenses including payroll, and other purposes for which airport revenues may lawfully be used.

RS4. RS05-2020-59

CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JUNE 9, 2020, 11:59PM.

Person presenting this item: 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 418.108(b) of the Texas Government Code. The Council has approved extensions to the Declaration as follows:

March 13, 2020 by RS03-2020-32 until March 29th at 11:59 p.m.

March 24, 2020 by RS03-2020-35 until April 14th at 11:59 p.m.

April 14, 2020 by RS04-2020-45 until April 28th at 11:59 p.m.

April 28, 2020 by RS04-2020-49 until May 12th at 11:59 p.m.

May 12, 2020 by RS05-2020-54 until May 26th at 11:59 p.m.

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 June 9, 2020 at 11:59 p.m. central standard time.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF APRIL 2020.

Person presenting this item: Troy Lestina, Director of Finance

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly						X	X	Approved as presented
Boedeker		X	X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				X	<i>Roll Call</i>

RESOLUTIONS

RS5. RS05-2020-60

CONSIDER A RESOLUTION CONCERNING OPERATIONS OF SPLASH STATION FOR THE 2020 SUMMER SWIM SEASON.

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

BRIEF: COVID-19 has affected all aspects of our society, among them are recreational opportunities including aquatic facilities such as Splash Station. There are several factors influencing the potential opening of Splash Station:

- The Governor’s Orders for Bodies of Water
 - People shall continue to avoid visiting water parks and splash pads.
 - Local public swimming pools may operate only if permitted by the local government.
 - Reduction of operational limits to 25% occupancy
 - Maintain at least 6 feet separation from others not within the individual’s group
 - Clean and sanitize recreation water equipment before and after use
 - Individuals should consider wearing non-medical grade facemasks. Face coverings may not be feasible while in the water.
- Temporary Hiring Freezes on Seasonal Employees
- The inability to train Lifeguards, as the Red Cross water skills testing breaks the social distancing recommendations
- The inability to complete preseason safety inspections

The combination of a temporary hiring freeze and the inability to train lifeguards and guest attendants have significantly affected our potential opening, as nearly all of our staff are seasonal employees. Staff believes that after hiring and training, we could open the facility in four weeks, but realistically it will be closer to six weeks. This depends on the number of returning staff that are current on all certifications and how many applications we receive.

Staff proposes the following options for Council’s consideration for operations of Splash Station for the summer swim season of 2020:

- A. Approve the temporary closure of Splash Station for the 2020 Summer season.
- B. Allow the opening of only the competition pool to facilitate public lap lane swimming, swim lessons, and club swimming.
- C. Allow the opening of Splash Station with restrictions in compliance with developing executive orders by the Governor.

Speakers: Maria Moore spoke in favor of opening the competition pool for the purpose of lane swimming
 Tiffany Freeman, with Sigma Swimming, submitted written comments in support of the competition pool opening

MOTION: to approve directing staff to open the competition pool only to facilitate public lap lane swimming, swim lessons, and club swimming as soon as possible and to explore other opportunities to expand the use of the competition pool for the public as the summer progresses

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly						X	Approved as presented
Boedeker	X		X				X Approved as amended
Mann		X	X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	Motion Carried		Motion Failed				X Roll Call

OTHER COUNCIL MATTERS

OC2. CONSIDER THE PRELIMINARY PLAT OF LOTS 1-3 AND 4X, BLOCK 1R, OF CLEBURNE STATION, BEING ±26.176 ACRES OF LAND, LOCATED AT THE NORTHEAST CORNER OF NORTH NOLAN RIVER ROAD AND CLEBURNE STATION PARKWAY; AS REQUESTED BY CLEBURNE STATION INVESTMENTS, LP, REPRESENTED BY MCADAMS, CASE PC20-012.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant is requesting approval of a preliminary plat for Lots 1-3 and 4X, Block 1R, of Cleburne Station, for three (3) lots for future commercial development. Lot 4X will be a non-buildable lot, except for signage and similar structures, that will be owned and maintained by the POA (Property Owners Association).

The property is zoned the C3 (Commercial District) and is currently undeveloped. The properties to the west and south are similarly zoned C3. The Depot at Cleburne Station is located to the south and there is an existing tractor company to the west across Nolan River Road. The property to the east is zoned M1 (Light Industrial District) and is currently undeveloped. The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their May 11, 2020 meeting and recommended approval by a vote of 5-0.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly						X	X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed				X	Roll Call

WORKSHOP

I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS

WS1. Update on the status of Market Square summer concerts, Aaron Dobson, Director of Parks and Recreation

Council discussed the proposed postponement of the 2020 summer concert series to the Fall, but ultimately directed staff to cancel the event for this year.

WS2. Discussion about the upcoming BNSF Railroad project and the implications to the City – Jeremy Hutt, Director of Public Works

Mr. Hutt gave the Council an updated overview of BNSF Railway's Rio Vista to Midway Double Track Improvements Project and their request of the City to relocate utilities as well as consider railroad street crossing closures. BNSF is interested in reducing the number of grade crossings and proposes four options for the City's consideration, which includes financial incentives and street crossing improvements:

1. No closures and minimal improvements to accommodate the BNSF Project
2. One Street/Railroad crossing closure plus additional improvements and funds
3. Two Street/Railroad crossing closure plus additional improvements and funds
4. Three Street/Railroad crossing closure plus additional improvements and funds

During Council's May 12, 2020 workshop discussion of this proposal, staff was directed to obtain traffic counts at the locations listed above and Mr. Hutt presented those statistics to assist Council in their continued deliberation. As this matter is of significant importance and requires strategic consideration, Mr. Hutt will include this item on future workshop agendas until such a time the Council is prepared to take action.

Jerry Phillips submitted written comments for which the Mayor read into the record.

The Regular Council Meeting/Workshop Session recessed at 6:46 PM to discuss items legally posted in Executive Session.

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.**

The City Council went into Executive Session at 6:55 PM

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

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.

1. Discuss Municipal Utility District

Mayor Cain reconvened into open session at 7:43 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 7:46 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: June 9, 2020