



**REGULAR CITY COUNCIL MEETING MINUTES**  
**JUNE 9, 2020 @ 5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:01 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 Mike Mann

**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**

- Presentation - “All Aboard Cleburne” Community Promotion Program report – Grady Easdon, Economic Development

Mr. Easdon reported that the All Aboard Cleburne Program the City Council approved in April 2020, was received by the community with an extremely favorable response. Applications flooded in from a variety of business types all across the city to take advantage of the one-time \$5,000 economic development stimulus disbursement and, to-date, all of the allocated program funding of \$300,000 has either been distributed or in process to 60 applicants, based on eligibility and first-come basis. The approved applications were received from the following types of businesses: 8 – Personal Services (hair & nail salons, massage), 5 – Medical, 11 – Food/Beverage, 16 – Retail, 18 – Commercial/Professional (automotive, HVAC, construction, office, etc), and 2 – Fitness/Recreation.

As part of the Program requirements, Mr. Easdon reported that the businesses receiving funds were required to participate in a promotional campaign of various options all of which benefits the community.

Mayor Cain expressed appreciation to city staff for creating an avenue to assist businesses during the COVID-19 pandemic and encouraged everyone to continue to shop Cleburne first.

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## CONSENT ITEMS

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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 was no separate discussion of these items.

**M1. CONSIDER MINUTES FOR THE MAY 26, 2020 REGULAR COUNCIL MEETING.**

**RS1. RS06-2020-61**

**CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JUNE 23, 2020 AT 11:59 PM.**

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 29<sup>th</sup> at 11:59 p.m.

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

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

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

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

May 26, 2020 by RS05-2020-59 until June 9<sup>th</sup> 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 23, 2020 at 11:59 p.m. central standard time.

**RS2. RS06-2020-62**

**CONSIDER A RESOLUTION ACKNOWLEDGING COMPLIANCE WITH MANDATED CYBERSECURITY AWARENESS TRAINING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO FILE THE COMPLIANCE REPORT PURSUANT TO TEXAS HB 3834.**

Person presenting this item: David Raybuck, Director of Information Technology

**BRIEF:** In the last legislative session, the legislature adopted Texas HB 3834, that was codified into the Texas Government Code and requires certain employees and elected officials to complete mandated cybersecurity training. The required training must be completed by June 14, 2020, and annually thereafter.

***Code Excerpt: Texas Government Code***

Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN EMPLOYEES.

(a-1) At least once each year, a local government shall identify local government employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a cybersecurity training program certified under Section 2054.519 or offered under Section 2054.519(f).

(b) The governing body of a local government may select the most appropriate cybersecurity training program certified under Section 2054.519 or offered under Section 2054.519(f) for employees of the local government to complete. The governing body shall:

(1) verify and report on the completion of a cybersecurity training program by employees of the local government to the department; and

(2) require periodic audits to ensure compliance with this section.

The City staff and elected officials have completed certified training developed by KnowBe4, a leading provider of security awareness training already in use by the City. The Texas Department of Information Resources (DIR) is the agency charged with implementing the legislation for certifying completion of the training, and has created an online form for reporting our compliance. This legislation also requires acknowledgement by the governing body that the training has been completed, which is accomplished and documented with this resolution.

**RS3. RS06-2020-63**

**CONSIDER A RESOLUTION AUTHORIZING RENEWAL AGREEMENT WITH MANSFIELD OIL COMPANY FOR A FUEL CARD SERVICE PROGRAM THROUGH AN INTERLOCAL AGREEMENT WITH THE CITY OF PLANO, TEXAS.**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** The City of Plano maintains a contract with Mansfield Oil Company for fuel card services (City of Plano Contract Number 2016-0217). Through an interlocal agreement, the City of Cleburne is able to utilize contract pricing set by the City of Plano contract. The City of Plano has the ability to extend their contract per the renewal terms of the original contract. The contract will remain valid until 5/31/2022, if extended.

**RS4. RS06-2020-64**

**CONSIDER A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH PATTILLO, BROWN & HILL, LLP FOR AUDITING SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020.**

Person presenting this item: Troy Lestina, Director of Finance

**BRIEF:** On June 13, 2017, the City Council approved a contract with Pattillo, Brown & Hill L.L.P. (attached exhibit Resolution RS06-2017-40) to provide audit services over a term of five years. This is the fourth year of the five-year audit engagement contract and the cost of audit services would be increased 3% annually, per the terms of the resolution. Included in the audit engagement contract is auditing of all City funds, audit services for federally required Single Audit programs, Texas Commission on Environmental Quality computation assurances, issuance of a HUD SAS29 letter at a cost of \$53,300, and preparation and printing of the Comprehensive Annual Financial Report at an annual cost of \$5,000 by the firm.

The audit engagement letter for Fiscal Year 2020 is attached in the backup. Incorporated into the engagement letter is a copy of Pattillo, Brown & Hill, L.L.P.'s most recent peer review. Peer Review is a periodic outside review, performed by another accounting firm, of a firm's quality control system in accounting and/or auditing. Peer reviews maintain and improve the quality of the auditing services performed by firms. The firm received a peer review of pass, which is the highest rating that a firm can receive.

**RS5. RS06-2020-65**

**CONSIDER A RESOLUTION APPROVING THE TEXAS DEPARTMENT OF TRANSPORTATION’S SPONSORED PUBLIC TRANSPORTATION AGENCY SAFETY PLAN AND ESTABLISHING SAFETY PERFORMANCE TARGETS FOR CLEBURNE CITY/COUNTY TRANSPORTATION (AKA CLETRAN).**

Person presenting this item: Troy Lestina, Director of Finance

**BRIEF:** On July 19, 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule 49, CFR Part 673, which took effect July 19, 2019, requiring all FTA Section 5307 recipient transit agencies to, within one calendar year after July 19, 2019, establish PTASP that meets the requirements of Part 673.

City/County Transportation worked with Alliance Transportation Group to develop the safety plan document in order to adhere to all of the requirements of the Public Transportation Agency Safety Plan (PTASP) Final Rule 49, CFR Part 673.

**OR1. OR06-2020-32**

**CONSIDER AN ORDINANCE APPROVING THE RESALE OF 812 COLORADO ST; RESCINDING BID FOR SAID PROPERTY THAT WAS AWARDED ON DECEMBER 10, 2019.**

Person presenting this item: Ivy Peterson, City Secretary

**BRIEF:** Bids for 8 resale properties were advertised and opened on October 18, 2019 and evaluated by the City’s tax attorney Perdue, Fielder, Collins and Mott, LLP and City Staff. These bids were awarded to the highest bidder on December 10, 2019 by OR12-2019-71. It was required that the bid for 812 Colorado St be approved by the other taxing entities and lastly, being Hill College on February 18. Since then, the bid for this property was withdrawn. Staff recommends rescinding the original bid award from Phillip & Angeline Clark, for \$10,000.00. *The bid was not paid by the 30-day deadline, as required by the agreement and is therefore effectively withdrawn.*

The second highest bidder was contacted and respectfully requests Council’s consideration. Staff presents the next highest bidder and recommends award as listed below:

- **812 Colorado St**, Lot 7 Block 243, Original Cleburne Cause #T201500046 acquired on August 7, 2018; high bidder is Y & M Investments for \$8,000.00. The City is to receive \$1,683.48 in maintenance fees, and \$939.16 in back property taxes.

**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	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

**RESOLUTIONS**

**RS6. RS06-2020-66**

**CONSIDER A RESOLUTION AUTHORIZING A FINANCE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION FOR THE PARTIAL FUNDING OF PURCHASING A SPARTAN 4-DOOR CUSTOM CAB 105FT HEAVY-DUTY AERIAL LADDER TRUCK (COUNCIL APPROVED PURCHASE 1/22/19).**

Person presenting this item: Troy Lestina, Director of Finance

**BRIEF:** This financing agreement is for the purchase is for a Spartan 4-door custom cab 105’ Heavy Duty Aerial Ladder Truck with 2000 gpm CAFS pump and necessary firefighting tools, nozzles, and fire hoses. This vehicle is replacing Truck 1, which is over 24 years old. This vehicle is equipped with the latest aerial fire apparatus safety features and enhanced firefighting capabilities. Based on the fire department’s vehicle requirements, this vehicle meets all the required specifications. City Council initially authorized the purchase of this vehicle at the January 22, 2019, City Council meeting.

During the FY2020 budget preparation, the option was discussed, and ultimately approved, to finance the difference in the purchase price and the available funding for the aerial ladder truck to allow for the expansion of the fleet and improve operation capabilities. This resolution also establishes City Council approval to finance the purchase of the aerial ladder truck with Government Capital Corporation per the attached Finance Contract. The City of Cleburne has an interlocal agreement with Houston Galveston Area Council Cooperative (HGAC) which allows the City to utilize its purchasing contracts therefore, all competitive purchasing requirements have been met.

**MOTION: to approve as presented**

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

**RS7. RS06-2020-67**

**CONSIDER A RESOLUTION AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF OBTAINING EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER LINE KNOWN AS “174 N INTERCEPTOR, NORTH EXTENSION LINE A” ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH MAIN STREET (SH 174) AND MT. CARMEL ROAD (CR 903).**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** A market study has been completed and an offer has been made to the property owners and to date easements have not been acquired on the parcels on the “174 N Interceptor, North Extension

Line A”. Appraisals have been received and negotiations are continuing, however some property owners have been non responsive to offers. If necessary, condemnation actions may be needed to acquire easements for construction of the sanitary sewer lines.

Mr. Hutt confirmed that the city obtained the appraisal as required by state law. At this time, the city is still in negotiations with the property owner and that eminent domain proceedings have yet to be filed. An item will be placed on a future agenda for Council consideration confirming the agreed upon terms of an agreement and/or the official eminent domain filing.

**MOTION: “I move that the City Council of the City of Cleburne authorize the use of the power of eminent domain to acquire the utility and temporary construction easements described in Resolution Number RS06-2020-67, as presented, specifically:**

**“A 0.532 acre Utility Easement and a 0.90 acre Temporary Construction Easement) on property described in Volume 3635, Page 402, Deed Records of Johnson County, Texas; more fully described in Exhibits A and B.**

**“for public use in construction and maintenance of a sanitary sewer line on property located at the northwest corner of North Main Street (SH 174) and Mt. Carmel Road (CR 903), and I further move to adopt RS7 [Resolution Number RS06-2020-67], as presented.”**

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

**ORDINANCE**

**OR2. OR06-2020-33**

**CONSIDER AN ORDINANCE REZONING ±0.1 ACRE FROM IH (INTERIM HOLDING DISTRICT) TO C3 (COMMERCIAL DISTRICT), FOR PROPERTY LOCATED AT 3445 WEST US HIGHWAY 67, AS REQUESTED BY THE TRUSTEES OF THE BPOE LODGE NO. 811 [AKA CLEBURNE ELKS LODGE], REPRESENTED BY MICHAEL ARTHURS, CASE ZC20-002).**

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

**BRIEF:** The applicant has requested to rezone approximately 0.1 acres from IH (Interim Holding District) to C3 (Commercial District) located at 3445 W US Hwy 67. The rezone request is for the existing building, approximately 336 square feet in size, and the associated parking area. Although the building is housed on the larger property, home to the Elks Lodge, the applicant is only requesting to rezone this portion of the property to the C3 District in order to lease the building for future commercial business. The remainder of the Elks Lodge property will retain the IH District designation.

The property to the north, across US Highway 67, is zoned IH (Interim Holding District) and is currently undeveloped. The properties to the west, south and east are located within the City’s

Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan shows this property to be located in the Sustainable Communities District, whose purpose is to encourage development that responds to the natural landscape. The proposed rezoning request for commercial development is considered a specially permitted use within this district.

The Planning and Zoning Commission considered this request at their May 18, 2020 meeting and recommended approval by a vote of 4-0.

Speakers: Michael Arthurs, applicant of this request spoke in favor of the rezone

Keith Ledwig also spoke in favor of the rezone

All persons requesting to speak on this rezone request (in person or by teleconference) were given an opportunity to do so.

**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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

**OTHER COUNCIL MATTERS**

**OC1. CONSIDER APPOINTMENT OF MAYOR PRO TEM FOR A TWO-YEAR TERM.**

Person presenting this item: Ivy Peterson, City Secretary

**BRIEF:** At the request of Mayor Pro Tem John Warren, this is presented for Council’s consideration. Following the May 2019 election, the Council appointed Councilman Warren as Mayor Pro Tem for a one-year term, for which he has fulfilled and done so with the utmost distinguished service.

Mayor Cain deferred to Mayor Pro Tem Warren to preside over this action item. Mayor Pro Tem Warren stated his recommendation to appoint Councilman Chris Boedeker and Councilman Boedeker confirmed his willingness to serve in this capacity. Mayor Pro Tem Warren called for a motion.

**MOTION: to appoint Councilman Chris Boedeker**

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

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**WORKSHOP**

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**I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS**

WS1. Discussion about the upcoming BNSF (Burlington Northern Santa Fe) Railroad project and the implications to the City – Jeremy Hutt, Director of Public Works

Mr. Hutt gave the Council an update on the possibility of closing only the Chambers St crossing and that BNSF may consider adjusting the terms in their original proposal. The main points of negotiations targeted the funding levels and terms of safety measures that can be implemented at railroad crossings, as well as median and street improvements.

City Manager Polasek stated that Council’s direction from a previous meeting was that right-of-way exchanges, namely in the Industrial Park are not being pursued at this time. Councilman Mann requested that staff contact the Cleburne Economic Development Foundation for any possible options in that area.

Councilmembers agreed that for any railroad crossing improvements, concrete is the preferred material over asphalt.

Discussion of closing any of the proposed crossings are not desired, but if one was to be considered, it would be Chambers Street although there are concerns that it may impede development in that area.

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**EXECUTIVE SESSION**

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The Council did not convene a Closed Meeting to discuss items legally posted in executive session.

~~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—Chris Fuller, Deputy City Manager~~

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**ADJOURNMENT**

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**ADJOURNED AT: 5:51 PM**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON:         JUNE 23, 2020**