



REGULAR CITY COUNCIL MEETING AGENDA

APRIL 28, 2020

5:00 PM (or immediately following the Cleburne Type A EDC meeting)

CITY HALL COUNCIL CHAMBERS

10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

City facilities are closed to the public in response to a health emergency. Cleburne City Council will conduct meetings by telephone conference in accordance with local, state and federal Orders to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). Therefore, there will be no public access to the location described above. Live streaming video of the meeting is available on the city’s website and cable channel.

A member of the public wishing to participate in the meeting may do so via the following options:

- Submit questions/comments in writing: Complete a speaker/comment registration card that may be found on the city’s website (<https://www.cleburne.net/agendacenter>). Registration cards received by 4:00 p.m. the same day will allow time for staff to distribute to the Council and read during the meeting.
- Address the Council by phone: Submit a registration card as directed above by 4:00 p.m. the same day and by 4:45 p.m. call [\(346\) 248-7799](tel:3462487799). **Enter Meeting ID 995-6991-0537 and then press #.** If you are charged for long-distance calls, use toll-free number (888) 788-0099.

I. ROLL CALL AND CALL TO ORDER BY MAYOR

City Council:

- ✓ Scott Cain, Mayor
- ✓ 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
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

II. CITY SECRETARY READS THE **GUIDELINES** TO SPEAK BEFORE COUNCIL

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

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 APRIL 14, 2020 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2020.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended March 31, 2020, the City invested solely in four Local Government Investment Pools along with a trust account for the funds received from Texas Water Development Board (LOGIC, Texas Class, TexPool, TexSTAR, and Amegy), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At March 31, 2020, there was \$125,224,701.30 invested in the four pools, along with the funds held by TWDB, with total quarterly interest income of \$486,437.33 (see attached quarterly investment report). The percentage allocation by investment pool at March 31, 2020 is LOGIC: 19.41%, Texas Class: 30.31%, TexPool: 5.91%, TexSTAR: 12.16% and Amegy: 32.31%.

RS2. CONSIDER A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: The City is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"). The Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("PUC" or "Commission") and the courts.

On April 3, 2020, Oncor filed an application to amend its Distribution Cost Recovery Factor ("DCRF") with each of the cities retaining original jurisdiction and with the Commission in Docket No. 50734. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill).

The resolution authorizes the City to join with OCSC to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. See staff's agenda report for more details.

RESOLUTIONS

RS3. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MAY 12, 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.

The City continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. In doing so, staff has cancelled nonessential meetings until further notice. This resolution for your consideration is to extend the Declaration to the next regular council meeting date of May 12, 2020 at 11:59 p.m. central standard time.

RS4. CONSIDER A RESOLUTION AUTHORIZING A 3-YEAR AGREEMENT WITH CHARTER COMMUNICATIONS (DBA SPECTRUM) FOR FIBER OPTIC INTERNET AND LOCAL AREA NETWORK SERVICES IN AN AMOUNT NOT TO EXCEED \$323,000.

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

BRIEF: Spectrum has provided fiber internet and LAN (local area network) service to the City since 2010. The City’s agreement with Spectrum has expired and a new agreement is needed to secure our pricing and support terms. Spectrum’s service reliability and customer support have been very good through the years, but other service providers were evaluated to determine if high-quality service is available at a better price. As a result, it was determined that Spectrum is still the best option for the City. By entering a three-year agreement, the City can secure pricing/support levels and obtain new service at five locations where it was previously unavailable: the golf course, airport, cemetery, sports complex, and streets facility. After adding these locations, the new cost is \$7,802 monthly (\$93,624 annually) for a 3-year total of \$280,872. The not-to-exceed amount of \$323,000 includes a 15% contingency in the event that additional bandwidth and/or service becomes necessary during this term. This will be purchased on the Texas DIR contract # DIR-TEX-AN-NG-CTSA-008, so all competitive purchasing requirements have been met.

RS5. CONSIDER A RESOLUTION AUTHORIZING THE PURCHASE OF SERVICES AND EQUIPMENT FROM TAURUS TECHNOLOGIES FOR COUNCIL CHAMBERS AUDIO VISUAL UPGRADES IN AN AMOUNT NOT TO EXCEED \$109,078.

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

BRIEF: The AV (audio-visual) equipment in the City Council chambers needs to be replaced due to its age and limitations. It is at high risk of failure, and cannot operate at a sufficient volume without causing feedback, making it difficult to hear people speaking in the audience. The equipment being replaced includes the projector, screen, speakers, amplifier, microphones, and equipment rack. This upgrade will also add a control system that eases audio/video management and enables dialing into conference calls that are integrated into the speaker and microphone system. This is a budgeted project that will be funded from the cable television franchise fees collected by the City in our Certificate of Franchise Fund. These funds can only be used for capital expenditures that finance day-to-day operations of our public access channel, including the audio-visual equipment necessary to broadcast. This will be purchased on the TIPS contract #170306, so all competitive purchasing requirements have been met.

RS6. CONSIDER A RESOLUTION AUTHORIZING CITY STAFF TO WAIVE LATE FEES ON UTILITY ACCOUNTS FOR THE MONTHS OF MARCH, APRIL AND MAY 2020 DUE TO THE COVID-19 PANDEMIC.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Due to the ongoing COVID-19 crisis, several of the surrounding communities have elected to waive late fees on utility customer's accounts. Currently, the City assesses a late fee of 10% of the bill amount when a payment is more than 10 days late. Pursuant to Local Government Code, Title 13. Water and Utilities Chapter 552.001 (b) "A municipality may purchase, construct, or operate a utility system inside or outside the municipal boundaries and may regulate the system in a manner that protects the interests of the municipality". Approval of the resolution would authorize City Staff to waive late penalty fees for the billing statements received in the months of April, May and June of 2020.

RS7. CONSIDER A RESOLUTION ESTABLISHING THE "ALL ABOARD CLEBURNE" COMMUNITY PROMOTION PROGRAM AS A MARKETING TOOL FOR ECONOMIC DEVELOPMENT AS APPROVED BY THE CLEBURNE TYPE A ECONOMIC DEVELOPMENT CORPORATION.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: Staff has developed a new, proposed program known as the "All Aboard Cleburne" Community Promotion Program ("Program"). The Program would be funded through the City of Cleburne Type A Economic Development Corporation ("Corporation") and would allow the City to partner with Cleburne businesses to promote the community as a great place to do business. The Program will provide one-time payments of \$5,000 distributed to participating businesses, provided that certain guidelines and criteria are met.

Section 504.105 of the Texas Local Government Code states that a Type A Corporation may expend up to and not more than ten percent (10%) of the corporation's revenues for promotional purposes. The Corporation's FY 2020 budgeted revenues are approximately \$3.03 million. This

would allow the Corporation and City Council to allocate \$300,000 for promotional purposes. The proposed Program will continue until funding in the amount of \$300,000 is exhausted or upon other direction of the City Council, and payments will be distributed to approved applicants on a first-come, first-served basis.

If approved, a budget amendment in the amount of \$300,000 will be required in order to facilitate funding of this program. See staff report for program details.

ORDINANCES

OR1. CONSIDER AN ORDINANCE AMENDING THE FY2020 CITY OF CLEBURNE, BY ALLOCATING \$300,000 IN 4A ECONOMIC DEVELOPMENT CORPORATION FUND 17 TO PROVIDE FUNDING FOR THE ALL ABOARD CLEBURNE COMMUNITY PROMOTION PROGRAM.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Due to the COVID-19 global pandemic, many small businesses within the City of Cleburne have suffered economic hardships. While the Federal Government has provided potential economic relief in the form of Small Business Administration loans, the businesses are continuing to suffer from decreased traffic to their places of business. In order to assist the small businesses in the City of Cleburne, staff has developed the All Aboard Cleburne Promotional Program. Section 504.105(a) of the Texas Local Government Code states that a Type A corporation may spend not more than 10 percent of the corporate revenues for promotional purposes. For FY2020, the budgeted revenue of sales tax for the Cleburne Type A Economic Development Program is \$3,027,500. The Cleburne Type A Economic Development Corporation desires to allocate \$300,000 of the corporate revenues for promotional purposes.

The proposed budget amendment will revise the total adopted 4A Economic Development Corporation Fund 17 budget of \$2,597,773 (Ordinance OR09-2019-51) to \$2,897,773. Anticipated funding source for the \$300,000 addition for the All Aboard Cleburne Promotional Program is the anticipated excess revenues over anticipated expenditures that would increase the Fund's anticipated fund balance position.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

- WS1. Project update on development of the Parks, Recreation, Trails and Open Space Master Plan – Aaron Dobson, Director of Parks & Recreation
- WS2. Project Update on the Railroad Museum Expansion – Aaron Dobson, Director of Parks & Recreation

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.

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

ADJOURNMENT

ADJOURNED AT:

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 **April 24, 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



Persons with disabilities 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.