



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

City Council meetings have reopened and social distancing protocols will be in effect. A member of the public wishing to participate in the meeting may do so via the following options:

- **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 website (<https://www.cleburne.net/agendacenter>). 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 by 4:00 p.m. the same day and by 4:45 p.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
- ✓ 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

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- Presentation - "All Aboard Cleburne" Community Promotion Program report – Grady Easdon, Economic Development
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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 MAY 26, 2020 REGULAR COUNCIL MEETING.

RS1. 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 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.

May 26, 2020 by RS05-2020-59 until June 9th 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. 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. 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. 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. 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.

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. 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.

RESOLUTIONS

RS6. 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.

RS7. 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.

ORDINANCE

OR2. 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.

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.

WORKSHOP

I. CITY MANAGER'S UPDATE ON MUNICIPAL BUSINESS

WS1. Discussion about the upcoming BNSF Railroad project and the implications to the City – Jeremy Hutt, Director of Public Works

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.

1. Discuss Municipal Utility District – Chris Fuller, Deputy City Manager

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

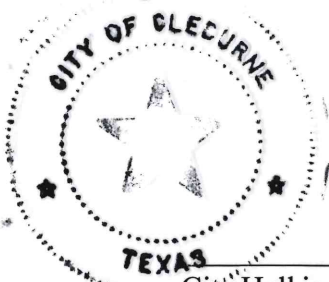
ADJOURNMENT

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 June 5, 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, 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.