



## NOTICE OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS

Notice is hereby given that a **REGULAR COUNCIL MEETING** of the above named City will be held on the **12TH** day of **NOVEMBER 2019**, at **5:00pm**, in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.


At which time the following subjects will be discussed, to-wit:

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in City Hall of said City in Cleburne, Texas, 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](http://www.cleburne.net), and said Notice was posted on **November 8 , 2019**, by **5:00 p.m.**



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.

*Note: A quorum of any Cleburne board, commission, or committee may be present at this meeting.*

**Agenda Removal Notice**

**Date:**

**Initials:**



**REGULAR CITY COUNCIL MEETING AGENDA**  
**NOVEMBER 12, 2019**  
**5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET**

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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
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Johnathan Halton Cleburne Full Gospel Holy Temple

**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**

☆ Presentation - Cleburne Railroaders presentation by John Junker, President/Owner and David Kirk, Director of Corporate Sponsorships – Steve Polasek, City Manager

☆ Presentation – Update to City Council regarding the Chamber Cemetery project and partnership with Brookhaven College – Aaron Dobson, Director of Parks & Recreation

☆ Presentation – Update to City Council regarding engineering projects – Cheryl Taylor

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**CONSENT ITEMS**

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**BQ1. AUTHORIZE THE PURCHASE OF A 420F CATERPILLAR BACKHOE FROM HOLT CAT, UTILIZING THE SOURCEWELL COOP CONTRACT, IN THE AMOUNT NOT TO EXCEED \$99,977.55.**

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

**BRIEF:** The utility division of Public Works is constantly performing work on the utility system, which requires excavation of the pipe system. The addition of this utility backhoe will improve staff's ability to address multiple projects at the same time. Currently, projects are being delayed until a current unit can be made available or the city rents additional equipment at a significant cost. Holt Cat was awarded the Sourcewell Co-op Contract #032119. The City of Cleburne is a member of this Co-op so all competitive purchasing requirements have been met. This purchase was discussed with Council during the FY2020 budget process and has been included in the Fiscal Year

2020 Utility Fund budget.

**RS1. CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH SUNBELT POOLS FOR RESURFACING OF THE COMPETITION POOL AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$118,270.**

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

**BRIEF:** The purpose of this item is to replace the original plaster surfacing of the competition pool at Splash Station. The current surfacing material is beyond the material lifespan and has started to deteriorate. This has resulted in visible cracking in the pool surface. Utilizing the competitive bidding process through BuyBoard, staff recommend working with Sunbelt Pools for resurfacing project for an amount not to exceed \$118,270. The 4B Economic Development Board considered and approved this purchase at their meeting on October 17, 2019

**RS2. CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH KRAFTSMAN FOR RECOATING AND REPAIRING THE ZERO DEPTH ENTRY SPRAY FEATURES AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$15,790.**

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

**BRIEF:** The purpose of this item is to recoat and repair the spray features of the leisure pool at Splash Station. The current spray features have seen tremendous use and have started to deteriorate. The coating has faded and now shows the base material, and if untreated this could result in guest slipping on uncoated features. Additionally, the o-rings and gaskets have deteriorated to the point that water comes out of the base of the spray features. Utilizing the competitive bidding process through BuyBoard, staff recommends working with Kraftsman for this repair project for an amount not to exceed \$15,790. The 4B Economic Development Board considered and approved this purchase at their meeting on October 17, 2019.

**RS3. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE A PORTION OF THE FY2020 BUDGETED FUNDING PREVIOUSLY ALLOCATED FOR TRANSFER STATION SITE IMPROVEMENTS FOR THE PURPOSE OF ENGAGING THE SERVICES OF A CONSULTANT FOR GRANT MANAGEMENT SERVICES FOR THE TRANSFER STATION.**

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

**BRIEF:** Every two years the Texas Commission on Environmental Quality (TCEQ), allocates funds generated by landfill tipping fees to the 24 councils of governments (COG) located in the state of Texas. The North Central Texas Council of Governments (NCTCOG) allocates a portion of the funding toward local and regional Implementation Grants and the NCTCOG has issued a call for projects for the grant and the deadline for submission for the grant is January 6, 2020.

The FY2020 budget includes \$51,500 in funding for capital site improvements at the Transfer Station. This funding could be used to pursue the grant opportunity in an effort to leverage the City funds to access regional funding to address needed site improvements.

This resolution will allow the City Manager to engage the services of a consultant, using previously allocated funding, to pursue the grant opportunity.

**OR1. CONSIDER AN ORDINANCE APPROVING A SPECIAL EVENT PERMIT ALLOWING FOR A CARNIVAL DURING “SPRING FEST” TO BE HELD IN HULEN**

**PARK, LOCATED AT 900 SOUTH HILLSBORO STREET FROM MAY 26, 2020 THRU JUNE 1, 2020; AS REQUESTED BY DOWNTOWN CLEBURNE ASSOCIATION, REPRESENTED BY MAXINE AMMONS CASE GC19-008.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** The applicant is requesting temporary use of Hulen Park described under §155.58: Temporary Uses and restrictions set by the Parks Board.

**§155.58: Temporary Uses**

(3) Special events (including carnivals, circuses, tent revivals). For the purpose of this section, SPECIAL EVENTS are defined as any activity or event meeting the below defined criteria. Approval for special events may be obtained from the City Council after a recommendation from the Planning and Zoning Commission.

(a) The event or activity is carried on for a period of time not exceeding 15 consecutive days.

(b) No retail sales conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund raising purposes in any zoning district.

(c) Public assemblies carried on out-of-doors or in temporary shelters or tents. This item was presented to the Parks and Recreation Advisory Board on October 7, 2019 and approved the event with the following restrictions:

- All noise must be turned off by 8pm during on-site preparation; noise must be turned off by 10pm each night of the event.
- Onsite electricity will not be available for this event.
- The sale of glass containers will be prohibited, as will any games/activities that utilize glass containers.
- In the event there are any leaks from the carnival equipment, they must be cleaned by proper OSHA standards.
- A \$2,500 deposit will be delivered to the Parks Administrative office one (1) week prior to the on-site preparation.
- Barring a natural event, the park should be cleaned and placed in the same condition as it was found by June 2, 2020 at 5pm.
- A \$1,000 charge per day will be deducted from the deposit for each day the park is not ready; additional charges may be applied for further delays or damage.
- If not discussed above, this event must comply with all other City of Cleburne Parks & Recreation Ordinances.

The carnival will begin setting up on Tuesday, May 26, 2020 and will complete clean up on Monday, June 1, 2020. Spring Fest will be held Thursday, May 28, 2020 through Sunday, May 31, 2020. The hours of operation will be 10 am to 10 pm. Please note that the dates the Spring Fest will be held are different as originally shown on the application. These dates were confirmed with the applicant on October 22, 2019.

**OC1. CONSIDER PRELIMINARY PLAT OF REMINGTON RIDGE, PHASE III, BEING ±8.624 ACRES, LOCATED APPROXIMATELY 130 FEET WEST OF REMINGTON DRIVE AND ON THE SOUTH SIDE OF WOODARD AVENUE; AS REQUESTED BY RW GOSSETT ETAL, REPRESENTED BY FV DEVELOPMENT II, LLC, CASE PC19-045.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** The applicant is requesting approval of a preliminary plat for 35 single-family residential

lots and 2 open space lots to be known as Phase III of the Remington Ridge subdivision. The subject property is currently zoned SF-4 (Single-Family Dwelling District). All proposed lots meet the minimum lot area of 7,000 square feet and the minimum lot width of 60 feet.

On June 10, 2003, the City Council approved a 25' front yard setback during the original preliminary plat approval of the Remington Ridge Addition. The plat exhibit identifies a 25' front yard setback on each lot as previously approved. All lots meet the additional minimum setback requirements as outlined in the SF-4 District: 20' rear yard setback, 7' side yard setback and 15' side yard setback adjacent to a street. The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances.

**OC2. CONSIDER MINOR REPLAT OF LOT 1, BLOCK 1, OF MIRANDA-MORENO ADDITION, BEING ±0.167 ACRES, LOCATED AT 123 PEACOCK STREET; AS REQUESTED BY MARTHA MIRANDA, CASE PC19-044.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** The applicant is requesting approval for one (1) residential lot. The subject property is currently undeveloped and is zoned MF (Multiple-Family Housing District). The minimum required setbacks are as follows: 30' front yard, 20' rear yard and 7' side yard.

The lot meets the minimum lot area of 7,000 square feet. The applicant requested a variance from the Zoning Board of Adjustment at the October 15, 2019 meeting to allow for a reduction of the minimum lot width for the subject property. The variance request for a lot width of 52 feet, less than the 60-foot requirement, was approved with a vote of 5-0.

Typically, minor replats are approved administratively by Staff. Given that the applicant requested and received a variance from the Zoning Board of Adjustment, the minor replat is required to be approved by the Planning and Zoning Commission and City Council.

The minor replat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances.

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**ITEMS PULLED FROM CONSENT AGENDA**

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**RESOLUTIONS**

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**RS4. CONSIDER A RESOLUTION AUTHORIZING 3-YEAR LICENSE AND MAINTENANCE AGREEMENT WITH AZTECA SYSTEMS LLC FOR CITYWORKS SOFTWARE FOR AN AMOUNT NOT TO EXCEED \$228,000.**

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

**BRIEF:** 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 becoming the system of record for all City activities related to each asset. At least sixteen divisions will use Cityworks, including Water Distribution, Wastewater Collection, Water Treatment, Wastewater Treatment, Streets, Drainage, Airport, Parks, Code Compliance, Health, Building Inspections, Information Technology, Planning & Zoning, Cemetery, Fire, and Engineering. This will be a multiyear implementation effort, with the bulk of the implementation occurring in FY20 and FY21. These divisions are each seeking to replace inefficient and antiquated

processes with streamlined processes that are empowered by modern technology. By using a single application to meet the needs of each of these divisions, we avoid having to purchase multiple niche systems that add up to a higher total cost of ownership and that each come with separate security, maintenance, training, and vendor considerations. Instead of having many siloes of data that cannot easily be shared and combined for reporting purposes, we will have the data in one location where it can be used for analytics and reporting to empower informed decision-making.

Cityworks was developed and launched in 1996 by Azteca Systems LLC, a company founded in 1986. The software is highly rated and widely used by north Texas municipalities including the cities of Weatherford, Waxahachie, Rockwall, Mesquite, The Colony, Hurst, Highland Village, Prosper, Grand Prairie, Denton, Frisco, Richardson, and Irving. In total, there are nearly 800 organizations using Cityworks.

Cityworks is licensed through an annual recurring subscription that will cost \$60,000 in FY20, \$84,000 in FY21, and \$84,000 in FY22 for a total of \$228,000 (which includes a 6% contingency) over the three year term. The year 1 cost was included and adopted in the current fiscal year budget. After the initial three year term, we can renew each year at an estimated cost of \$84,000 per year. Cityworks is being purchased through an interlocal agreement with the City of Rockwall to meet competitive purchasing requirements. In addition to the software licensing costs, there are professional services costs from another vendor for implementation, and purchase authorization for these services is being requested in a separate council action.

**RS5. CONSIDER A RESOLUTION AUTHORIZING MATERIAL AND SERVICES AGREEMENT WITH NEWEDGE SERVICES LLC FOR CITYWORKS IMPLEMENTATION AND SUPPORT FOR AN AMOUNT NOT TO EXCEED \$327,000.**

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

**BRIEF:** 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 becoming the system of record for all City activities related to each asset. Implementing Cityworks will be a multiyear effort, and this resolution is for the first year of implementation services, which will include these divisions: Water Distribution, Wastewater Collection, Water Treatment, Wastewater Treatment, Streets, Drainage, Airport, Parks, Code Compliance, Health, Building Inspections, Engineering, and Information Technology.

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 we have selected to implement the Cityworks software at the City. NewEdge Services, LLC has implemented Cityworks for 40 clients, of which 17 are in the DFW metroplex area.

The total cost for this first-year implementation is \$327,000 which includes a 15% contingency, and this was approved and adopted into the FY20 budget. This includes a \$5,000 Unique ID software tool developed by NewEdge Services LLC that simplifies Cityworks GIS administration. This NewEdge Unique ID tool has an annual recurring maintenance fee of \$1,250 starting in year two. Cityworks is being purchased through an interlocal agreement with the City of Rockwall to meet

competitive purchasing requirements. In addition to the professional services costs, there are software licensing costs from Azteca Systems LLC, and purchase authorization for the software is being requested in a separate council action.

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## ORDINANCES

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**OR2. CONSIDER AN ORDINANCE AMENDING SECTION 97.01: LIBRARY FINES AND CHARGES, BY ADDING SUBSECTION (H) "COMPUTER USE FEE" AND ADOPTING A POLICY FOR COMPUTER, INTERNET & WIRELESS USE AT THE CLEBURNE PUBLIC LIBRARY.**

Person presenting this item: Tina Dunham, Library Manager

**BRIEF:** Updating of Cleburne Public Library Computer Policy. Adding a computer use fee of \$10 biannually or \$20 annually for non-residents. Approved by Library Advisory Board. Reviewed by City Attorney.

**OR3. CONSIDER AN ORDINANCE AUTHORIZING THE RELEASE OF INTEREST DUE ON LIENS FILED AGAINST PROPERTY LOCATED AT 431 SABINE AVE; AS REQUESTED BY BECKY HARWELL AND FELIPE GARCIA.**

Person presenting this item: Ivy Peterson, City Secretary

**BRIEF:** Becky Harwell and Felipe N Garcia, the owners of the property located at 431 Sabine Avenue, aka Lot 15, 16, 17 Block 213, Original Cleburne have requested a release of interest due for liens filed by the City against this property so it may be sold. The City has filed seven (7) liens against this property beginning in 2010 with a demolition lien and the City has been mowing the lot since 2013. The total payoff on these liens, including mowing costs for 2019, is \$16, 618.06 with principal being \$9,799.30, accrued interest is \$6,818.76. Central Appraisal District lists the property for \$10,000 valuation. According to Johnson County Tax Assessor, the property taxes are delinquent since 2012 for a balance of \$3,996.48.

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## EXECUTIVE SESSION

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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 p.m.

**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 Cleburne Airport Hangar 98
2. Discuss legal action against Charter Matrix Group
3. Discuss 614 North Brazos Avenue, Ovation Service, LLC v Lindell Wright, etal

**§ 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting** 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).

1. Lifecycle Biotechnologies, LP

**ADJOURN: The Presiding Officer adjourned the Executive Session of Tuesday, NOVEMBER 12, 2019 at p.m.**

**THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.**

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

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**ADJOURNMENT**

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**ADJOURNED AT:**



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