



CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 9, 2021 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

City Council meetings are open 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.

I. ROLL CALL AND CALL TO ORDER BY MAYOR @5:00 PM

- | | |
|---------------------------------------|---------------------------------|
| <u>City Council:</u> | <u>Administration:</u> |
| ✓ Scott Cain, Mayor | ✓ Steve Polasek, City Manager |
| ✓ Derek Weathers, SMD 1 | ✓ Ashley Dierker, City Attorney |
| ✓ Chris Boedeker, Mayor Pro Tem/SMD 2 | X Ivy Peterson, City Secretary |
| ✓ Mike Mann, SMD 3 | |
| ✓ John Warren, SMD 4 | |

II. INVOCATION by Pastor Eddie Scheler, Ascension Church

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. CITIZENS COMMENTS

This is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action. Each speaker will be allowed three (3) minutes to speak.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and were enacted with one motion.

MN1. CONSIDER MINUTES FOR THE JANUARY 26, 2021 REGULAR COUNCIL MEETING.

RS1. RS02-2021-19 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL FEBRUARY 23, 2021.

Presented by: Steve Polasek, City Manager

Summary: 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 was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott’s executive orders, the City Council has approved extensions to said Declaration, and 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 February 23, 2021 at 11:59 p.m. central standard time.

RS2. RS02-2021-20 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH REVCON, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES, UP TO A MAXIMUM OF \$4,000.00 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 300 LIPSCOMB STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Revcon, LLC, represented by Mr. John Finnell, has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program (“Program”). Their approximate investment will be \$149,000.00 for a 1,441 square foot home at 300 Lipscomb Street, with an estimated value of \$194,400.00 at completion. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council consideration. Should this request gain Council approval, there will be \$28,000.00 remaining for future projects under the Program.

RS3. RS02-2021-21 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH REVCON, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES, UP TO A MAXIMUM OF \$4,000.00 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 304 LIPSCOMB STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Revcon, LLC, represented by Mr. John Finnell, has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program (“Program”). Their approximate investment will be \$149,000.00 for a 1,482 square foot home at 304 Lipscomb Street, with an estimated value of \$199,500.00 at completion. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council consideration. Should this request gain Council approval, there will be \$24,000.00 remaining for future projects under the Program.

RS4. RS02-2021-22 CONSIDER A RESOLUTION ADOPTING THE REVISED 2021 PREVAILING WAGE RATES FOR THE CITY OF CLEBURNE FOR PUBLIC WORKS CONSTRUCTION PROJECTS.

Presented by: Marcie Freelen, Acting Director of Finance

Summary: Chapter 2258 of the Texas Government Code states that a worker employed on a public work by a municipality shall be paid not less than the current prevailing rate of wages for work of a similar character in the locality in which the work is performed. The Department of Labor in accordance with the Davis-Bacon Act performs regular surveys to determine the current prevailing wage rates. Updated survey results for Johnson County, Texas were issued by the Department of Labor for 2021 and are included in the backup.

RS5. RS02-2021-23 CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S SEMI-ANNUAL REPORT, YEAR-END 2020, AS TO THE PROGRESS OF THE CAPITAL IMPROVEMENT PLAN OF THE CITY OF CLEBURNE WATER, WASTEWATER, AND ROADWAY IMPACT FEE ORDINANCE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Imp Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the city's impact fee program.

Staff provided the semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on January 25, 2021. The CIAC's recommendation on the City of Cleburne's water, wastewater, and roadway impact fee program is to continue forward with no changes at this time, and is included in their report to the City Council.

OR1. OR02-2021-05 CONSIDER AN ORDINANCE ORDERING AN ELECTION TO BE HELD ON MAY 1, 2021, IN THE CITY OF CLEBURNE, TEXAS, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS TWO AND THREE.

Presented by: Ivy Peterson, City Secretary

Summary: This ordinance constitutes the official calling of the 2021 General Election to elect members of its governing body for Councilmembers representing Single Member Districts Two and Three. The ordinance provides, among other details, the times and locations of polling places on Election Day and Early Voting.

Should one be necessary, the City of Cleburne and the Cleburne ISD will enter into a joint election agreement to take advantage of agency cost-sharing and voter efficiency.

MOTION: to approve in its entirety

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

ACTION AGENDA

RS6. RS02-2021-24 *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE MINOR REPLAT OF LOT 1, BLOCK 1, OF HOMES MX2 ADDITION, LOCATED AT 729 EAST BROWN STREET, AS REQUESTED BY HOMES MX2, LLC, CASE PC20-056.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of a minor replat for Lot 1, Block 1, of the Homes MX2 Addition. The lot is approximately 0.29 acres in size and the applicant is proposing to replat the subject property for future residential development. Approval authority for minor replats is given to staff, however, given that the applicant is requesting variances to the Subdivision Ordinance, the minor replat is required to be approved by the Planning and Zoning Commission and City Council.

The Planning and Zoning Commission considered this request at their January 25, 2021 meeting and recommended approval of the plat with the variances as outlined below with a 6-0 vote:

- i. The right-of-way (ROW) dedication along Atlantic Avenue be approved as presented; and
- ii. The ROW dedication along East Brown Street be approved as presented.

MOTION: to approve as presented

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

OR2. OR02-2021-06 CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2021 (#5) BY APPROPRIATING \$115,000 FROM UNRESERVED FUND BALANCE IN THE GENERAL FUND FOR THE MASTER THOROUGHFARE PLAN.

Presented by: Marcie Freelen, Acting Director of Finance

Summary: Per City Council direction, City staff is to perform a Master Thoroughfare Plan update in conjunction with a third party engineering consultant. This is an unbudgeted endeavor and requires a budget amendment in order to fund the update. The proposed General Fund budget amendment is in the amount of \$115,000.00 and will revise the total adopted General Fund budget (Ordinance OR09-2020-49), and as approved with previous amendments, from \$41,359,733.30 to \$41,474,733.30.

Jeff Whitacre with Kimley-Horn was available on the phone for questions via Zoom.

MOTION: to approve

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

RS7. RS02-2021-25 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC FOR PROFESSIONAL SERVICES RELATED TO THE UPDATE OF THE 2021 MASTER THOROUGH PLAN.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In 2008 Kimley-Horn and Associates, Inc. (KHA) was retained by the City of Cleburne to provide transportation planning services to analyze the City’s existing and proposed roadway thoroughfare system. Based upon the analysis of the existing, and future projected thoroughfare system needs, KHA developed the 2008 Master Thoroughfare Plan (MTP).

A minor update of the MTP was performed in 2017 in order to adjust Ridgway Drive to accommodate recent developments. Since the original plan was developed, the City has experienced significant growth and it may be necessary to update the plan based on the recent development trends. Staff provided an update to the City Council on the respective details of a possible plan update during the January 26, 2021 meeting and the census was to move forward with the update process. The draft scope of services and agreement presented for consideration include:

- Task 1. Existing Conditions Evaluation
- Task 2. Alignment Evaluation
- Task 3. Thoroughfare Mapping Updates
- Task 4. Intersection Evaluation
- Task 5. Project Prioritization
- Task 6. Planning Level Project Costing
- Task 7. Meetings and Project Management

Jeff Whitacre with Kimley-Horn was available on the phone for questions via Zoom.

MOTION: to approve in its entirety

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

RS8. RS02-2021-26 CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF A CONTRACT WITH WEBB’S LANDSCAPE MANAGEMENT, INC FOR GROUNDS AND LANDSCAPE BED MAINTENANCE OF RIGHT-OF-WAYS, MEDIANS, DRAINAGE, CITY FACILITIES, AND SELECT PARKS FOR AN AMOUNT NOT TO EXCEED \$175,235.46.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: In December 2019, sealed bids were solicited for Annual Mowing Maintenance to include all grounds and landscape bed maintenance for Right-of-Ways, Medians, City Facilities (including the Conference Center and Chamber of Commerce grounds), and smaller Parks. The initial contract was for twelve (12) months with four (4) additional one (1) year periods for options to renew. Two bids were submitted and reviewed. Webb’s Landscape Management Inc. (\$153,853.24) and Hoots Lawn Care (\$231,359.51). Price increases and/or decreases, agreed by both parties, would be limited to the lesser of the average change over the prior twelve (12) months in the Consumer Price Index-All Urban Consumers-Dallas-Fort Worth Area, or in the Consumer Price Index-All Urban Consumers-US City Average.

On January 28, 2020 the original contract was awarded (Resolution RS01-2020-15) to Webb’s Landscape Management Inc. The contractor has completed the initial 12 month agreement and staff is recommending approving the first of the four (4) additional renewals that were approved in the resolution. There is a 13.89% increase in the contract renewal which is within the margin approved in the original resolution. The proposed resolution also authorizes the City Manager to execute the remaining renewals if the vendor continues to provide acceptable service levels in accordance with the terms of the contract.

MOTION: to approve as presented

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

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418 of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

Section 551.071. Consultation with Attorney and Section 551.072. Deliberation Regarding Real Property - The City Council will convene into executive session to receive legal advice from the City Attorney regarding pending or contemplated litigation and to deliberate the purchase, lease, or value of real property related to the following matter:

- EXE1. Discussion and update of the purchase of easements needed for the construction and maintenance of the West Loop Reuse Pipeline. – Jeremy Hutt, Director of Public Works

Section 551.087. Deliberation Regarding Economic Development Negotiations - The City Council will convene into executive session to deliberate the offer of financial or other incentives to a business prospect that the City seeks to have locate in the City and with which the City is conducting economic development negotiations related to the following matter:

- EXE2. Discuss the Riverview Development project and their request for a development agreement – Jeremy Hutt, Director of Public Works

Reconvene into open session with no action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:25PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 23, 2021