



REGULAR CITY COUNCIL MEETING MINUTES

APRIL 28, 2020

5:00 PM (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 conducted this meeting 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 was no public access to the location described above. The meeting was live streamed and is available on the city’s website.

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:47 PM

*Participated remotely

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 Mayor Cain

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 – Special Guidelines in response to COVID-19

Members of the public were given an opportunity to participate in the meeting by teleconference and/or submitting questions/comments through the registration card available on the city’s website (<https://www.cleburne.net/agendacenter>). No registration cards were received for this meeting.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

None

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.

M1. CONSIDER MINUTES FOR THE APRIL 14, 2020 REGULAR COUNCIL MEETING.

RS1. RS04-2020-47

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. RS04-2020-48

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.

MOTION: to approve as presented in its entirety

| | 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> | | | X | <i>Roll Call</i> |

RESOLUTIONS

RS3. RS04-2020-49

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.

Mayor Cain spoke about plans to reopen Cleburne as well as testing opportunities that will soon be available. Chief Lail will be sharing more information with the public concerning medical information available now through the City’s Health Authority, Dr. Beeson and the protocol for handling positive cases. Mayor Cain stated he will continue to inform the community and businesses through conference calls to go over recommendations by Governor Abbott including information concerning reopening. Councilman Kelly mentioned his concerns as a small business owner. Councilman Boedeker and Mayor Pro Tem Warren commended the Mayor on his efforts and handling of this situation.

MOTION: to approve as presented

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| Warren | X | | X | | | | | Withdrawn |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

RS4. RS04-2020-50

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.

MOTION: to approve as presented

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

RS5. RS04-2020-51

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.

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> | | | | X | <i>Roll Call</i> |

RS6. RS04-2020-52

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.

MOTION: to approve as presented

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

RS7. RS04-2020-53

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.

MOTION: to approve with amendments recommended by the Type A Economic Development Corporation

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

ORDINANCES

OR1. OR04-2020-27

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.

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 | Motion Carried | | Motion Failed | | | | X | Roll Call |

Mayor Cain gave Councilmembers an opportunity to speak to the community concerning the COVID-19 situation and how it has affected our City.

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

The City's consultant, Hunter Rush with MHS Planning and Design LLC gave a presentation detailing results of public input which gives a direction for which the master plan will be developed.

WS2. Project Update on the Railroad Museum Expansion – Aaron Dobson, Director of Parks & Recreation

The City's consultant, Brett Oakes with RPG Design Group gave a presentation detailing the progress and design features for this expansion project.

EXECUTIVE SESSION

The Council did not convene a Closed Meeting.

ADJOURNMENT

ADJOURNED AT: 7:15 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MAY 12, 2020