



REGULAR CITY COUNCIL MEETING MINUTES
MAY 28, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. CALL TO ORDER BY MAYOR @ 5:03 PM

CITY COUNCIL SWEARING IN CEREMONY

Administration of Statements of Elected Officer
Administration of Oaths of Office
Present Certificates of Election

II. ROLL CALL

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Robert Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney

III. INVOCATION by Pastor Ryan Michels, Cleburne Community Church

IV. PLEDGE OF ALLEGIANCE

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation – STARS Award for April - Rae Moore, Fleet Maintenance Department
- ☆ Presentation – Construction Projects Update – Cheryl Taylor & Jeremy Hutt

VI. ~~CITY SECRETARY READ THE GUIDELINES TO SPEAK BEFORE COUNCIL~~

Mayor Cain waived the reading of the guidelines until such a time as necessary.

VII. CITIZENS COMMENTS

None

CONSENT ITEMS

M1.

APPROVAL OF MINUTES FOR THE MAY 14, 2019 COUNCIL MEETING.

RS1. RS05-2019-39

A RESOLUTION AUTHORIZING THE THIRD RENEWAL OF THE ANNUL SERVICE CONTRACT WITH GREENLANDER, LLC FOR VEGETATIVE MANAGEMENT NOT TO EXCEED THE AMOUNT OF \$48,814.05.

Person presenting this item: Jeremy Hutt, Director of Finance

BRIEF: The vegetative management contract was awarded to Greenlander, LLC in May 2016 for one year with the option of four additional one-year extensions. This would be the third one-year option to extend. The vendor has agreed to renew at the same price of \$125.00 per acre for the first application, \$120.00 for each consecutive application, and \$0.05 per linear foot for curbs and sidewalks. Greenlander, LLC has continued to provide excellent service to the City during prior and current contract periods.

RS2. RS05-2019-40

A RESOLUTION AUTHORIZING AN AGREEMENT WITH COMPUTEX TECHNOLOGY SOLUTIONS FOR PROFESSIONAL SERVICES TO UPGRADE THE SECURITY CAMERA SYSTEMS AT CITY HALL, LAYLAND MUSEUM, AIRPORT, FLEET, BOOKER T WASHINGTON, AND THE POLICE GUN RANGE IN FOR AN AMOUNT NOT TO EXCEED \$58,500.

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

BRIEF: The current security camera systems at City Hall, Layland Museum, Airport, Fleet, Booker T. Washington, and the Police gun range are aging, experiencing high rates of equipment failure, and are in need of replacement. This effort will replace the cameras and video recorder at each location, and will improve camera quality and coverage to meet our City standards. The total cost for equipment and professional services will not exceed \$58,500, which includes a 10% contingency. This is a budgeted FY19 effort that will be purchased from Computex Technology Solutions through BuyBoard contract #498-15, so all competitive purchasing requirements have been met. Computex Technology Solutions successfully completed the recent security camera upgrades at the Conference Center, Police Department, and Splash Station. This will be funded with budgeted Information Technology (General Fund) funds with the exception of Booker T. Washington (\$8,880 - 4B Fund) and Airport (\$11,700 - Enterprise Fund). The 4B Board approved the Booker T. Washington portion at their May 16, 2019 meeting.

OR1. OR05-2019-27

AN ORDINANCE ACCEPTING SECOND HIGHEST BID AND APPROVING THE SALE OF 831 FULLER AVENUE TO JOAQUIN MIRANDA FOR AN AMOUNT OF \$8,000 AND RESCINDING ORIGINAL AWARD GRANTED BY COUNCIL ON DECEMBER 11, 2018 BY OR12-2018-97.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: City of Cleburne, for itself and the use and benefit of Johnson County, Hill College and the Cleburne ISD acquired title to a certain tract of real estate located at 831 Fuller Street, being Abstract 171, Tract 7u, H.R. Craig, Oak Hill, at a Sheriffs sale held on November 12, 2014, Cause #T201400291. The resale bid for this property was awarded to Zachary Thompson on December 11, 2018 by OR12-2018-97.

The delinquent tax attorneys, Perdue Brandon Fielder Collins & Mott LLP notified Mr. Thompson, by certified letter dated April 12, 2019, that he had until April 26, 2019 to submit payment on this property or be in default on the bid. The letter was returned unclaimed. The same letter was sent first class giving another deadline of May 17, 2019. Mr. Thompson has not responded, therefore, staff recommends rescinding the offer to Mr. Thompson and offer this property to the next highest bidder. Joaquin Miranda's bid to purchase the property for an amount of \$8,000.00. The City will receive \$4,067.62 for maintenance costs and \$715.94 in back taxes upon the sale of this property.

OC1.

APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF APRIL 2019.

Person presenting this item: Troy Lestina, Director of Finance

OC2.

CONFIRM APPOINTMENT OF JAMES BRENT EASDON TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 341.012 AND CLEBURNE CITY ORDINANCE 33.03.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Chief Severance and Deputy Chief Hubler request Council to confirm the appointment of retired Fire Marshal James Brent Easdon to the Cleburne Police Reserve Force, thereby permitting him to carry a weapon and act as a peace officer at all times, in accordance to Texas Local Government Code 341.02 and Cleburne City Ordinance 33.03. Easdon retired from the Cleburne Fire Department after 28 years of service. Easdon holds a Peace Officer License, a Master Firefighter Certification and a Bachelor's Degree.

OC3.

CONFIRM APPOINTMENT OF ROGER DALE ABBOTT TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE 341.012 AND CLEBURNE CITY ORDINANCE 33.03.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: Chief Severance and Deputy Chief Hubler request Council to confirm the appointment of Corporal Dale Abbott (upon his retirement) to the Cleburne Police Reserve Force, thereby permitting him to carry a weapon and act as a Peace Officer at all times, in accordance with Texas Local Government Code 341.02 and Cleburne City Ordinance 33.03. Cpl. Abbott has announced his retirement from Cleburne Police Department effective June 29, 2019 with 30 years of service. Dale

holds a Master Peace Officer Certificate, is a Firearms Instructor and an Emergency Response Team Leader.

OC4.

APPROVE FINAL PLAT OF LOTS 1-14, BLOCK 1, BLESSED ACRES (BEING 39.645 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF CR 904 AND CR 1017 AND IN THE CITY’S ETJ); AS REQUESTED BY NREC, LLC, REPRESENTED BY BRIAN D. BARTOLOWITS.

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

BRIEF: This is a request to create fourteen (14) residential lots in the City’s Extraterritorial Jurisdiction. The Comprehensive Land Use Plan shows this property to be located in the Traditional Neighborhoods District. As submitted, this plat meets all minimum platting requirements of Chapter 154 of the Code of Ordinances. The plat also meets the intent of the Comprehensive Land Use Plan. The Planning and Zoning Commission considered this request at their May 13, 2019 meeting and recommended approval by a vote of 5-0.

MOTION: to approve in its entirety

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

RESOLUTIONS

RS3.

RS05-2019-41

A RESOLUTION AUTHORIZING AN AGREEMENT WITH ASSAULT STEEL, LLC FOR CONSTRUCTION OF A TWO-LANE COVERED BATTING CAGE AT THE DEPOT FOR AN AMOUNT NOT TO EXCEED \$49,997.

Person presenting this item: Denise Jones, Senior Assistant to the City Manager

BRIEF: Due to funding limitations as part of the initial design/build construction process of The Depot a temporary batting cage structure was erected in the bullpen area behind the right-center field fence. The current cage is inadequate for the facility and the American Association of Independent Professional Baseball has expressed their concerns with the temporary structure. Staff included funding within the city’s budget to address this deficiency and last winter began working with the new ownership on an economical, yet long-term replacement. Quotes were received from Assault Steel, LLC, Turn Key Construction, K Construction and Jerry’s Welding to construct an engineered,

covered two (2) lane batting cage to include electrical and lighting. Assault Steel, LLC provided the lowest most responsible quote at \$48,407, with a construction contingency of \$1,590, for a total project cost not to exceed \$49,997. Funding for this project from the 4A Fund is available and approved within the current budget.

MOTION: to approve as presented

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

RS4. RS05-2019-42

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC, FOR DESIGN, BIDDING, AND CONSTRUCTION-PHASE SERVICES ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT EXPANSION AND THE WEST LOOP REUSE PUMP STATION AND PIPELINE PROJECTS FOR AN AMOUNT NOT TO EXCEED \$5,992,845.

Person presenting this item: Jeremy Hutt, Director of Public Works/David Jackson, Freese and Nichols

BRIEF: The services of F&N were acquired on July 25, 2017 to conduct the preliminary design, regulatory coordination and the permit application for the plant expansion. This contract is the next step in the Wastewater Plant Expansion Project and is required in order to be able to proceed with the construction phase. This design project includes several major components including the Wastewater Plant Expansion, the Reuse Pump Station, and the Reuse Pipeline. In order to take advantage of economies of scale these projects are being combined.

Funding for this contract is planned to be from proceeds of the fall 2019 issuance of water and sewer revenue bonds through the Texas Water Development Board. There is a companion agenda action on this evening’s agenda for a reimbursement resolution to be adopted by City Council that will allow those expenses to be reimbursed from the proceeds of the future bond issue.

See Action Report for more details on the major components of this project.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:

X	<i>Motion Carried</i>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>
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RS5. RS05-2019-43

A RESOLUTION AUTHORIZING REIMBURSEMENT AND EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED FOR DESIGNING, ENGINEERING, ACQUIRING AND CONSTRUCTING IMPROVEMENTS AND EXTENSIONS TO THE WATERWORKS AND SEWER SYSTEM.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: On this evening’s Council agenda is an engineering services contract with Freese and Nichols for the Wastewater Treatment Plant Expansion (WWTP) and West Loop Reuse projects. All costs of these projects will be funded from a fall 2019 issuance of water and sewer revenue bonds through the Texas Water Development Board. Prior to the fall 2019 bond issuance, it is anticipated that there will be engineering design expenses incurred. For those expenses to be reimbursed from the proceeds of the future bond issue, a reimbursement resolution must be adopted by City Council.

Section 1.150-2(d) of Federal Treasury Regulations requires that the issuer of a reimbursement bond meet three primary requirements when allocating bond proceeds to a prior expense. These requirements are: 1) an official intent requirement; 2) a reimbursement period requirement; and 3) a nature of expenditure requirement. Adoption of the resolution meets requirement of official intent (1). As the engineering design expenses would be for capital expenses, this meets (3) nature of expenditure requirement for being capital expenditures. As no engineering expenses are incurred yet, the 60-day period prior to the adoption of the resolution meets requirement (2). The resolution includes the maximum amount of \$3,500,000 that can be reimbursed prior to the fall 2019 debt issuance.

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>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>

RS6. DENIED

A RESOLUTION AUTHORIZING AN AMENDMENT TO 380 DEVELOPMENT AGREEMENT WITH GSF GOSSETT FARMS, LLC PREVIOUSLY EXECUTED ON DECEMBER 21, 2018 PER RS11-2018-101 UNDER THE TERMS OF THE 1000-HOME RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM, AS REQUESTED BY GSF GOSSETT FARMS, LLC, REPRESENTED BY TOMMY CANSLER.

Person presenting this item: Grady Easdon, Economic Development Manager/Tommy Cansler, GSF Gossett Farms

BRIEF: The “1,000 Home Incentive Program” (Program) was first adopted by Council in 2015 as an economic development tool to accelerate new home construction in Cleburne. Due to the success of the Program, Council voted to amend the Program on May 22, 2018 with the intent to bring the Program to a close by June 1, 2019 unless directed by Council to continue. GSF Gossett Farms, LLC, represented by Mr. Tommy Cansler had submitted an application for inclusion in the Program in November 2017 for a 246-lot single-family residential Planned Development.

Due to circumstances beyond the control of the Developer that delayed finalizing the purchase of the property and by the time the Developer’s application was eligible for consideration by Council, the amended Program had been adopted. At the Developer’s request and by subsequent approval by Council, some elements of the 2015 Program were incorporated into the Developer’s 380 Agreement (Agreement) approved on November 27, 2018 and executed on December 21, 2018.

The Developer now feels that the timelines and construction benchmarks previously agreed to and executed in the Agreement are largely unattainable and is therefore requesting Council to consider amendments to the current Agreement.

See Action Report for more details on the terms of the program and proposed amendments.

MOTION: to deny

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				Approved as presented
Boedeker	X		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>			<i>Roll Call</i>	

ORDINANCES

OPENED PUBLIC HEARING

OR2. OR05-2019-28
AN ORDINANCE REZONING 1.03 ACRES LOCATED AT 209 KIMBERLY DR FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO M2/SUP (HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR FUEL AND COMPRESSED GAS BULK STORAGE): AS REQUESTED BY KIMBALL BEND OF CLEBURNE LLC, REPRESENTED BY BILL COLLINS.

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

BRIEF: The applicant has requested a Specific Use Permit (SUP) for a compressed gas, bulk storage tank on the property located at 209 Kimberly Drive. The property is currently zoned M2 (Heavy Industrial District) and the proposed use is permitted with approval of a SUP. The applicant has indicated the intent to place a storage tank with storage capacity of up to 30,000 gallons. Per Section 6104 of the 2015 International Fire Code (IFC) a tank of this capacity is required to be located a

minimum of 50 feet from all buildings, public right of ways, and lot lines of adjoining properties that can be built upon. The applicant has provided a survey, which shows the dimensions of the lot and the existing building. Based on the survey, it appears feasible to meet the above referenced setback requirements for the proposed storage tank. Additionally, the applicant provided a sketch identifying the proposed location of the tank. Should this request be approved, Building Inspections and Fire Marshal staff members will inspect the location and placement of the tank prior to issuance of a permit, and certificate of occupancy for the building.

The Planning and Zoning Commission considered this request at their May 13, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

****CLOSED PUBLIC HEARING****

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>					<i>Roll Call</i>

****OPENED PUBLIC HEARING****

OR3. OR05-2019-29

AN ORDINANCE REZONING 0.36 ACRES LOCATED AT 701 EAST SECOND STREET, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY LUCAS BELTRAN.

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

BRIEF: The applicant has requested to rezone approximately 0.36 acres from the M1 (Light Industrial District) to the SF-4 (Single Family Dwelling District) with the intent to subdivide the property into two residential lots. The applicant has indicated the desire to remodel the structure on the rear of the property. The Comprehensive Land Use Plan shows this property to be located in the Villages District. The proposed rezoning request is consistent with the intent of the district as defined by the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their May 13, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

****CLOSED PUBLIC HEARING****

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>				<i>Roll Call</i>

OTHER COUNCIL MATTERS

OPENED PUBLIC HEARING

OC5.

APPROVE REPLAT OF LOT 2R, BLOCK 519, ORIGINAL CLEBURNE (BEING 0.240 ACRES LOCATED AT 404 COLLEGE STREET; AS REQUESTED BY ALISON FOX.

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

BRIEF: This is a request to replat one residential lot. The subject property is zoned MF (Multiple Family Dwelling District) and the Comprehensive Land Use Plan shows this property to be located in the Preservation District. As submitted, this plat meets all minimum requirements of the SF-4 District as described in Chapter 155, and platting requirements of Chapter 154 of the Code of Ordinances. The plat also meets the intent of the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their May 13, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

CLOSED PUBLIC HEARING

MOTION: to approve as presented

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

OPENED PUBLIC HEARING

OC6.

APPROVE REPLAT OF LOTS 1-R, 2-R1, AND 2-R2, BLOCK 16, AND LOTS 2-R, 3-R, AND 4-R, BLOCK 17, ALLEN ADDITION (BEING 1.434 ACRES GENERALLY LOCATED AT 1308 CHASE AVENUE; AS REQUESTED BY JERRY FOX, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: This is a request to create six (6) residential lots. The plat as presented complies with all requirements of the of the SF-4 District as described in Chapter 155, and platting requirements of Chapter 154 of the Code of Ordinances. The Comprehensive Land Use Plan shows this property to be located in the Village District. The plat meets the intent of the Comprehensive Land Use Plan.

The Planning and Zoning Commission considered this request at their May 13, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

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

OC7.

APPOINTMENT OF MAYOR PRO TEM FOR A PERIOD OF ONE YEAR.

Person presenting this item: Shelly Doty, City Secretary

BRIEF: Mayor Pro Tem appointments coincide with the two-year term of the elected Mayor so this appointment would be for one year. Section 3.9 of the City Charter states, “The Council shall elect a Mayor Pro Tem from their members who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy should occur, shall become Mayor until the next regular election.”

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>			<i>Roll Call</i>		

ADJOURNMENT

ADJOURNED AT: 7:08 p.m.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JUNE 11, 2019