



CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 9, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

I. ROLL CALL AND CALL TO ORDER BY MAYOR PRO TEM AT 5:01 PM

City Council:

- ✓ Scott Cain, Mayor arrived at 5:14 pm
- ✓ Derek Weathers, SMD 1
- ✓ Chris Boedeker, Mayor Pro Tem/SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Ashley Dierker, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Pastor Andrew Tyler, St Mark United Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain waived the reading of the guidelines to speak until such a time is necessary.

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

Fernando Rodriguez spoke as a local business owner making note of the revenue that tourism brings to the city. He requested the council grant the request for increased funding for the Chisholm Trail Outdoor Museum and encouraged community members to volunteer.

Carrie Reynolds, the Director at the Chisholm Trail Outdoor Museum, noted that the museum is ranked #1 in tourism for the state and spoke on the activities planning and going on at the museum.

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 JULY 26, 2022 REGULAR COUNCIL MEETING.

RS1. RS08-2022-98 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL AUGUST 23, 2022.

Presented by: Steve Polasek, City Manager

Summary: On March 23, 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 existing Declaration to the next regular council meeting date of August 23, 2022 at 11:59 p.m. central daylight time.

RS2. RS08-2022-99 CONSIDER A RESOLUTION AUTHORIZING A RIGHT-OF-WAY DEDICATION ON CITY PROPERTY FOR THE SPARKS DRIVE CONNECTION PROJECT.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Sparks Drive connection to the Chisholm Trail Parkway traverses land owned by the City of Cleburne. It is proposed that right-of-way (ROW) for Sparks Drive be legally separated and dedicated by the City as ROW. Having the roadway facility within dedicated ROW will establish and protect the roadway corridor during any future development of the surrounding land. In addition, having ROW will allow franchise utilities to install electric lines, streetlight poles and other facilities without the need for multiple separate utility easements.

RS3. RS08-2022-100 CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE’S SEMI-ANNUAL REPORT, MID-YEAR 2022, 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 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 July 25, 2022. 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.

RS4. RS08-2022-101 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH DILLER’S BARBER SHOP UNDER THE TERMS OF CLEBURNE’S FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM, FOR PROPERTY LOCATED AT 202 EAST CHAMBERS STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Diller's Barber Shop, located at 202 East Chambers Street, has submitted an application under the terms of the City's Façade Improvement program seeking funds to replace two broken windows on the Anglin Street side, tint all three windows, replace vinyl "barber pole" sign, and replace double doors on Anglin Street side. Total cost of this project is \$4,604.00. The program provides for up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000.00, therefore, \$2,302.00 would be the maximum match by the City. If this request is approved, there would be \$6,104.00 remaining for other projects for FY2022.

OR1. OR08-2022-55 CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (#9) BY INCREASING APPROPRIATIONS FOR PROFESSIONAL SERVICES EXPENDITURES IN THE AIRPORT FUND FOR COSTS ASSOCIATED WITH THE LEASE OF HANGAR 98.

Presented by: Rhonda Daugherty, Director of Finance

Summary: At the September 14, 2021 regular council meeting, the Council authorized a contract with Air Space Brokerage services (RS09-2021-119) to locate a viable tenant and negotiate a lease for Hangar 98. This lease was approved at the July 26, 2022 regular council meeting, RS07-2022-96. The fee for the brokerage services is 6% of the value of the lease with the lease value determined to be \$906,000 over the lease term. This budget amendment increases the Professional Services expenditure account (61-54-8664) by \$54,360, increasing from \$8,400 to \$62,760, for the payment of the brokerage fees. The proposed addition will result in total adopted expenditures from \$1,261,760.04 to \$1,316,120.04. The increase in expenditure will reduce the budgeted ending fund balance for the Airport Fund from \$76,627 to \$22,267.

OR2. OR08-2022-56 CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (#10) BY INCREASING APPROPRIATIONS FOR VEHICLE CAPITAL EXPENDITURES IN THE AMOUNT OF \$36,882 FOR COSTS ASSOCIATED WITH THE PURCHASE OF A REPLACEMENT MOTORCYCLE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Staff is requesting a budget amendment to the Police Department budget appropriations for Vehicle Capital for the purchase of a replacement motorcycle. One of the police motorcycles used for traffic enforcement was damaged in a crash during a training event in February 2022. Texas Municipal League Intergovernmental Risk Pool evaluated the damage to the motorcycle and determined it to be a total loss. This budget amendment increases the Police Department's Vehicle Capital expenditure account (01-41-8950) in the amount of \$36,882 to replace the fully marked police motorcycle with a similarly equipped 2022 Harley-Davidson FLHTP Electra Glide motorcycle. The proposed addition will result in total adopted General Fund expenditures from \$44,376,957 to \$44,413,839. The City will receive \$13,107 from TML for the insurance claim.

OC1. CONSIDER CONFIRMING THE APPOINTMENT OF DAVID MAGERS TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH

TEXAS LOCAL GOVERNMENT CODE §341.012 AND THE CITY’S CODE OF ORDINANCES §33.03.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: Assistant Chief Craig Huskey and Reserve Deputy Chief Neal Sandin are requesting Council confirm the appointment of David Magers 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 §341.012 and City of Cleburne, Texas Code of Ordinances §33.03. David Magers holds a Texas Master Peace Officer certification and Bachelors degree in Criminal Justice.

MOTION: to approve as presented 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

OC2. CONSIDER ACCEPTANCE OF RECREATION EQUIPMENT FOR HULEN PARK AS DONATED BY THE CLEBURNE ROTARY CLUB.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The Cleburne Rotary Club approached the Parks & Recreation Department in January of 2022 with the idea of donating new play elements for Hulen Park. Utilizing the Parks Master Plan as a guide, staff supplied the club with various opportunities. After much consideration, the club decided to support the donation of funds for a Gaga Ball Pit and a Game Board with Benches.

Gaga Ball is a fast-paced, high-energy sport played in an octagonal pit that combines the skills of dodgeball and foursquare and is commonly found at schools, churches, camps, and parks. The location of this play element is proposed to be near the playground and its accompanying pavilion with signage placed near the pit with game rules and notifying the public of the Rotary Clubs donation.

The Game Board and Benches are made of concrete and propose to be placed under a tree canopy on the west side of Hulen Park between the playground and parking lot behind Splash Station. The game board can be utilized for checker, chess, and other games. A Rotary Club logo will be placed on the table, or a sign placed near the board and benches notifying the public of the donation.

The total donation for the Cleburne Rotary Club is not to exceed \$13,000. Working with a contractor, the donation amount will cover the cost of the projects. At their August 1, 2022 meeting, the Parks & Recreation Advisory Board unanimously recommended to accept the

donation of funds from the Cleburne Rotary Club for a Gaga Ball Pit, Game Board, and Benches for Hulen Park.

Several members of the Cleburne Rotary Club were represented in support of this item and participated in a group photo with Mayor Cain (who arrived at 5:14pm), Mayor Pro Tem Boedeker, and Councilmember Mann.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		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>

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. Presentation - Council Commendation to Miss Katelyn Lail

Mayor Cain invited Fire Chief Scott Lail and his family to the front to present his daughter with a commendation certificate recognizing Miss Lail’s uncommon courage, tenacity, and swift actions in assisting others in a crisis situation during the Chalk Mountain fire on July 18th.

ACTION AGENDA CONTINUED

OR3. OR08-2022-57 *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A VARIANCE UNDER CHAPTER 120.04(F)(1) OF THE CLEBURNE CODE OF ORDINANCES TO ALLOW ALCOHOL SALES FROM A BUSINESS LOCATED AT 1001 SOUTH CADDO STREET WITHIN 300 FEET OF A USE LISTED IN CHAPTER 120.04(B), CASE GC22-009.

Presented by: David Jones, Community Development Director

Summary: The applicant, Thaman Enterprise, LLC, represented by Zoe Cannon, submitted an application for a Texas Alcohol and Beverage Commission license to sell beer and wine for off-premise consumption at Caddo Stop, located at 1001 South Caddo Street. Chapter 120.04 requires that a business selling alcohol be located at least 300 feet from a public school located at 1005 Sough Anglin Street.

The location at 1001 S Caddo Street is located within 300 feet of the school as measured in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

According to information provided by Cleburne Independent School District, the former Adams Elementary School at 1005 S. Anglin Street will house the Johnson County Juvenile Justice Alternative Education Placement program. This program will serve high school, and possibly middle school, students from several school districts, including CISD.

Because the program and facility is a school operated facility by an independent school district that offers a course of instruction for students in one or more grades from kindergarten through grade 12, the program meets the definition of “public school” under Section 120.01 and alcohol sales are prohibited within 300 feet of the school property line without a variance.

Mayor Cain opened the public hearing and invited the public to come forward to offer comments.

Gina Cannon with Altex Permits spoke on behalf of the applicant, Thaman Enterprise, LLC.

There was discussion among the council members about this particular location selling alcohol. The Mayor and other council confirmed each variance of this type is to be considered separate based on their own merit and this decision should not be considered as a vested right or set a precedent for other variance requests. It was noted that the variance is applicable solely to the owner at this location. The owner must also provide a \$10,000 bond to TABC.

With no further speakers, Mayor Cain closed the public hearing.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			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>

RS5. RS08-2022-102 *PUBLIC HEARING* CONSIDER A RESOLUTION APPROVING THE REPLAT OF J.F. ADDITION, FOR 2 SINGLE-FAMILY RESIDENTIAL LOTS WITH A VARIANCE REQUEST, BEING ±0.317 ACRES, LOCATED AT 709 AND 715 ROBBINS STREET, CASE PC22-048.

Presented by: David Jones, Community Development Director

Summary: The applicant, Trans Texas Surveying, is requesting approval of a residential replat for the J.F. Addition, which consists of two (2) single-family residential lots, located at 709 and 715 Robbins Street. The applicant has requested a variance to the minimum lot size and minimum lot depth for both proposed lots. The variance will be considered as part of the request for plat approval. The Planning and Zoning Commission considered this request at their July 25, 2022 meeting and recommended approval with the variances outlined below with a vote of 6-0:

- i. The minimum lot depth of 100 feet be approved as presented; and
- ii. The minimum lot area of 6,696 square feet be approved as presented.

Mayor Cain opened the public hearing and with no speakers, the public hearing was closed.

MOTION: to approve as presented

	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	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

Items **OR4** and **RS6** relate to the same property and were presented together.

OR4. OR08-2022-58 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±138.25 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED APPROXIMATELY 1,000 FEET WEST OF CHISHOLM TRAIL PARKWAY, SOUTH OF STATE HIGHWAY 171/WEATHERFORD HIGHWAY, CASE ZC22-015.

Presented by: David Jones, Community Development Director

Summary: The applicant, Mark Allen, has requested to rezone approximately 138.25 acres from SF-7 (Single-Family Dwelling District) to SF-6 (Single-Family Dwelling District) for the property generally located approximately 1,000 feet west of Chisholm Trail Parkway, south of State Highway 171/Weatherford Highway. The applicant intends to rezone the subject property for a single-family residential development and has submitted an accompanying preliminary plat for Planning and Zoning Commission consideration. The Planning and Zoning Commission considered this request at their July 25, 2022 meeting and recommended denial by a vote of 5-1. The recommendation of denial triggers the requirement of a supermajority vote of Council to approve the request.

Mr. Jones noted the Planning and Zoning Commission first motioned to approved, but the vote tied 3-3. After further discussion, the Commission ultimately voted 5-1 to deny the rezoning request.

Mayor Cain opened the public hearing and invited the public to come forward to offer comments.

Mark Allen, the applicant spoke concerning the details of the development. He explained the decision process for wanting greater density, thus requesting straight SF-6 zoning rather than going through the Planned Development process.

Council discussed various aspects of the SF-6 zone regarding lot and home size. Mr. Allen clarified the proposed development will include homes with living areas between 1,550 to 3,200 sq. ft.

Tom Hazlewood, an interested party in this and the plat requests, was available in person should the Council have questions.

With no further speakers, Mayor Cain closed the public hearing.

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		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS6. RS08-2022-103 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CLEBURNE 135, CONSISTING OF 438 SINGLE-FAMILY RESIDENTIAL LOTS AND 7 OPEN SPACE LOTS, ON ±138.25 ACRES GENERALLY LOCATED 1,000 FEET WEST OF CHISHOLM TRAIL PARKWAY, SOUTH OF STATE HIGHWAY 171/WEATHERFORD HIGHWAY, CASE PC22-047.

Presented by: David Jones, Community Development Director

Summary: The applicant, Mark Allen, is requesting approval of the preliminary plat of Cleburne 135, which consists of 438 single-family residential lots and seven (7) open space lots, which include a dog park, a picnic area, a playground area, trails, and ponds. The Cleburne 135 residential subdivision is generally located approximately 1,000 feet west of Chisholm Trail Parkway, south of State Highway 171/Weatherford Highway.

The applicant has an accompanying rezoning request to the SF-6 (Single-Family Dwelling District). If the rezoning request is approved by City Council, the proposed plat will conform with the SF-6 zoning district as well as Chapters 154 and 155 of the City’s Code of Ordinances. As such, the proposed plat will require approval with the condition that the associated rezoning request is approved. If the request to rezone is denied, the preliminary plat would be recommended for disapproval on the basis that it does not comply with the current SF-7 zoning district.

The Planning and Zoning Commission considered this request at their July 25, 2022 meeting and recommended disapproval with a vote of 5-1 due to the plat not meeting the requirements of the SF-7 zoning district.

Mayor Cain opened the public hearing and with no speakers, the public hearing was closed.

MOTION: to approve as presented

	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
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OR5. OR08-2022-59 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±5.08 ACRES LOCATED SOUTH OF CR 904 AND APPROXIMATELY 650 FEET WEST OF CHISHOLM TRAIL PARKWAY FROM IH (INTERIM HOLDING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR THE CONSTRUCTION OF DETACHED SINGLE-FAMILY HOMES AND OPEN SPACE IN A PORTION OF THE WRIGHT FARMS MUNICIPAL MANAGEMENT DISTRICT, CASE ZC22-017.

Presented by: David Jones, Community Development Director

Summary: The Wright Farms development consists of 1,508 single-family residential lots and 22 open space lots that includes an amenity center, trails, ponds, and gas wells. The Wright Farms residential subdivision is primarily within the City’s Extraterritorial Jurisdiction (ETJ), and is generally located on the south side of County Road 904 and approximately ¼ mile west of Chisholm Trail Parkway. This request is to incorporate the Concept Plan and development standards from the Wright Farms Development Agreement into a PD (Planned Development District) that will serve as zoning for a 5-acre portion of Wright Farms that lies within the City Limits. The Planning and Zoning Commission considered this request at their July 25, 2022 meeting and recommended approval by a vote of 6-0.

Mayor Cain opened the public hearing and with no speakers, the public hearing was closed.

MOTION: to approve as presented

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

RS7. RS08-2022-104 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CONLEY ESTATES, FOR 15 RESIDENTIAL LOTS, BEING ±17.664 ACRES, GENERALLY LOCATED AT 2620 COUNTY ROAD 317, CASE PC22-018.

Presented by: David Jones, Community Development Director

Summary: The applicant, Marshall Miller, is requesting approval of the Preliminary Plat of Conley Estates, consisting of 15 residential lots generally located at 2620 County Road 317, within the City’s Extraterritorial Jurisdiction (ETJ). The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their July 25, 2022 meeting and recommended approval with a vote of 6-0.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as amended
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>

RS8. RS08-2022-105 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH TEXAS MATERIALS GROUP, INC, TEXASBIT, UTILIZING THE INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH, FOR THE CITY OF CLEBURNE’S - 2022 ASPHALT MAINTENANCE PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,500,000.

Presented by: Jeremy Hutt, Director of Public Works

Summary: This is a contract between the City of Cleburne and Texas Materials Group, Inc, TexasBit, for the City of Cleburne - 2022 Asphalt Maintenance Project. The agreement allows the City to use a third party contractor to perform large scale asphalt maintenance projects throughout the City.

The streets identified to receive maintenance work for the FY 22 Project Cycle will be done in two phases. This contract will address the streets that do not have utility renewals: Yellow Jacket, Third Street, Turner Street, Oran Avenue, Nolan River Road, Peacock Street, Willow Creek Road, and Holloway Street. This amounts to approximately 4.65 miles of streets that will be resurfaced with this initial project.

The next phase, to be bid and awarded at a later date, will address utility renewals and associated street work. This phase will include: Anglin Street, Misc. Cemetery, Euclid Street, George Street, Wilhite Street, Whitenack Street, Wilson Street, and Kouns Street.

The City of Fort Worth bid a similar contract at much larger quantities resulting in lower unit pricing and the contract was awarded to Texas Materials Group, Inc, TexasBit. The City of Cleburne, through its interlocal agreement with the City of Fort Worth, is able to utilize unit prices with Texas Materials Group, Inc, TexasBit so that all state and local bidding requirements are met.

Funding is allocated for this project in General Capital Projects Fund (Fund 53) Streets - M&R Streets, Curbs, and Alleys account in the amount of \$2,500,000, which exceeds the proposed contract amount. The proposed contract amount is \$1,500,000 and the current estimate for the project is \$1,423,767.13 allowing \$76,232.87 to be available for any field changes that may arise during construction.

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		X				Withdrawn
Cain			X				Postponed until:
X	Motion Carried		Motion Failed			Roll Call	

RS9. RS08-2022-106 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH MCMAHON CONTRACTING, LP, FOR THE SPARKS DRIVE CONNECTION PROJECT IN AN AMOUNT OF \$3,333,819.32, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS, AND ESTABLISHING A TOTAL PROJECT BUDGET IN AN AMOUNT NOT TO EXCEED \$3,650,000.00.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In June of 2015, the City Council authorized a design contract with Childress Engineers for the design of the Sparks Drive Connection Project. The project completes the Sparks Drive connection to the Chisholm Trail, including a 2,000 LF bridge over West Buffalo Creek. The project will provide a significant improvement to major truck traffic routes in the industrial area of the City.

To offset construction costs, staff began working with the Economic Development Administration (EDA) to be considered for a Public Works Economic Adjustment Assistance Program Grant in June of 2020. In September of 2021, the City of Cleburne was awarded a \$1,400,000 EDA grant.

After completion of all environmental permitting and receiving required approvals from the EDA to advertise, the project was let in June of 2022. Two bids were received, and McMahon Contracting, LP was the apparent low bidder. Childress Engineers prepared the bid tabulation and evaluated the contractor, and has recommended bid award to McMahon Contracting, LP. The total bid price of \$3,330,819.32 is approximately \$483,000 over the final engineer’s estimate of \$2,850,000. However, due to current economics and construction inflation costs, this price is considered to be fair and reasonable.

The proposed resolution will award the contract to McMahon Contracting, LP, authorize the City Manager to execute the contract documents and authorize the City Manager to utilize contingency funds in the amount of \$319,180.68 to execute change orders that may be required to complete the project, as well as provide for construction testing services. If approved, the total project budget will be \$3,650,000. Funding for the project budget will ultimately be provided from the EDA grant (\$1.4M) and Tax Increment Financing Zone #1 funding (\$2.25M). A Reimbursement Resolution containing the financial details is a companion item on tonight’s agenda.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers	X		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
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RS10. RS08-2022-107 CONSIDER A RESOLUTION DECLARING INTENT TO REIMBURSE AN AMOUNT NOT TO EXCEED \$1.4 MILLION FOR CAPITAL PROJECT EXPENDITURES RELATED TO THE SPARKS DRIVE CONNECTION PROJECT.

Presented by: Rhonda Daugherty, Director of Finance

Summary: On this evening’s Council agenda is a construction contract with McMahon Contracting, LP for the Sparks Drive Connection Project. Funding for the project budget will ultimately be provided from a \$1.4M Public Works Economic Adjustment Assistance Program Grant awarded by the Economic Development Administration (EDA) and \$2.25M from the Tax Increment Financing Zone #1. In order to award the contract, the city must demonstrate full funding of the project prior to the receipt of the funds from the reimbursement grant. The General Fund will advance fund the expenditures that are eligible for grant reimbursement. When the grant funds are received, the General Fund will be reimbursed for those advanced expenditures.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers			X				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				

Mayor Cain recessed the meeting for a brief intermission at 6:30 pm and the meeting reconvened at 6:44 pm.

BUDGET AND TAX RATE

CMP2. DISTINGUISHED BUDGET PRESENTATION AWARD BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

Mayor Cain recognized city staff for once again achieving the Distinguished Budget Presentation Award that was issued by the Government Finance Officers Association. Rhonda Daugherty, Director of Finance and Kevin Hennessey, Assistant Director of Finance presented the annual plaque that, once received, will contain the inscribed plate for preparation excellence for the Fiscal Year 2022 budget.

OC3. BUDGET WORKSHOP SESSION TO DISCUSS THE PROPOSED FISCAL YEAR 2023 BUDGET AND CAPITAL IMPROVEMENTS PLAN.

Presented by: Steve Polasek, City Manager

Mr. Polasek provided an extensive presentation outlining the various elements of the budget that is being considered for the 2023 fiscal year. The general highlights of the presentation were as follows:

Overview of Budget

1. Tax rate decrease (\$.640476)
 - \$.690498 (current rate)
 - \$.05 (5-cent) reduction
 - Increase in projected ad valorem tax revenue
2. Fiscally conservative budget with slight increase in total fund balance reserves
3. Capital investments
 - (street, W/WW, drainage, facilities, vehicles and equipment)
4. Timeline update of the budget process
5. The City of Cleburne total budget is \$130,767,039 (all numbers shown excludes reserves)
 - General Fund - \$52,931,497
 - Water/Wastewater Fund - \$39,696,672
 - Other Funds - \$38,138,870
6. Debt Service
7. Revenues / Expenditures / Fund Balances
8. Programs and People:
 - Continue the following programs:
 1. Façade Improvement Program - \$50,000
 2. Downtown Building Redevelopment Program - \$50,000
 3. Impact Fee Rebate Incentive Program - \$40,000
 4. Community Investment Program w/ Christmas In Action - \$50,000
 - Merit (step) pay increase of 2.5%
 - COLA increase of 2.5% (CPI-U DFW May 2021 – May 2022 = +9.1%)
 - Employee Retention Program (\$500 FT/\$250 PT)
 - Increase in health insurance plan (\$330K)
 - Multiple position regrades and classifications
 - New positions: Sanitation (2), Grants Coordinator, Utility Engineer, Cletran Supervisor, Code Compliance Officer, GIS Technician, and PT Library Clerk
9. Supplemental and Large Operating Expenses, Vehicle Replacement, Capital Requests
10. Summary is to continue to address infrastructure, facilities, equipment and personnel

Council directed the decrease of hotel occupancy tax funds for the concert series by \$35,000 and allocate to the Chisholm Trail Outdoor Museum operations. The current operating and lease agreement with Johnson County Heritage Foundation is to be reviewed and a committee created to provide additional performance and accountability measures.

Mr. Polasek spoke regarding the employee retention priority and as part of this budget proposal, \$40,000 from the general fund and \$20,000 from the water fund are being allocated to non-departmental for recruitment and negotiation purposes. Also included is a \$500 per full-time and \$250 per part-time employee retention payout to be issued in the fall. Additionally, many position regrades and nine position reclassifications are being proposed.

Due to a growing community and service demand, Mr. Polasek is proposing additional 7.5 positions in the budget for a cost of \$4,186,857 for salaries and benefits. He stated several other personnel requests were submitted by departments, and the budget committee strategically vets each requests.

Mayor Cain stated this council is committed that employees have a great work environment and and to be compensated well.

Councilman Mann inquired if additional building inspectors were needed. Mr. Polasek explained the additional demand is being met through the contracted services agreement. The costs are partially funded by the inspections revenue, and in the event demand for inspections decreases due to construction fluctuations, adjustments can be made more easily through the contract than addressing employee overages.

During discussion of the capital improvements for security cameras for the water/wastewater treatment facilities, Councilman Warren asked about installing exterior security cameras and showed interested in City Hall security. Mr. Polasek proposed providing funding in the budget for securing the front door with an automatic lock from the reception desk and provide for bulletproof (or bullet-resistant) glass. The Police Department did conduct a security review for City Hall, but Mayor Cain requested a safety plan review at a future meeting. [3:26]

OC4. SCHEDULE AND HOLD A PUBLIC HEARING FOR THE FISCAL YEAR 2023 BUDGET ON AUGUST 23, 2022, AT 5:00 PM, DURING THE REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states, “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” For compliance with this Charter requirement, the City Council is stating its intent to schedule and hold a public hearing for the Fiscal Year 23 budget on August 23, 2022, at 5:00 pm, which is a regularly scheduled meeting of the City Council in the City Council Chambers.

MOTION: to set and hold a public hearing for the Fiscal Year 23 budget on August 23, 2022, at 5:00 pm, which is a regularly scheduled meeting of the City Council in the City Council Chambers

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			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>

OC5. CONSIDER APPROVING AND ADOPTING THE 2022 CERTIFIED APPRAISAL ROLL AS PRESENTED BY THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 26 of the Texas Property Tax Code outlines several property tax related items that must be presented to council. These are the certified appraisal roll, the certified collection rate and the No New Revenue and Voter Approval tax rates. The Chief Appraiser of Johnson County Central Appraisal District (JCCAD) certified the City’s 2022 appraisal roll on July 25, 2022. In accordance with Section 26.04 (b) of the Texas Property Tax Code, the following values are submitted:

Total Appraised/Assessed Value	\$3,206,325,446
Total Exemptions	204,019,136
Total Taxable Value (Includes values under protest and new value)	3,002,306,310
Total Estimated Value Loss on Protests	(35,487,518)
Total Taxable Value of New Property	78,839,047
Total Taxable Value of Property Newly Annexed	57,766
Total Tax Increment Financing Captured Appraised Value	69,122,271

Including the anticipated values for properties under protest, the total anticipated certified value for the City of Cleburne for Fiscal Year 2023 is \$2,966,818,792, a 13.6% increase over the Fiscal Year 2022 certified values.

The City’s Tax Assessor Collector presented the Excess Debt Collections and the Anticipated Debt Collections Rate on July 18, 2022 and presented the No New Revenue and Voter Approval tax rates on August 1, 2022. The anticipated debt collection rate is 117%. The No-New-Revenue rate is calculated as \$0.635579 and the Voter-Approval rate is \$0.640476. The Interest and Sinking (Debt Service) component of the tax rate is \$0.029790 for the repayment of debt service.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	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>

RS11. RS08-2022-108 CONSIDER A RESOLUTION STATING THE CITY COUNCIL’S INTENT TO ADOPT A TAX RATE OF \$0.640476 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2023 AT THE TUESDAY, SEPTEMBER 13, 2022 REGULAR COUNCIL MEETING.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Texas Tax Code, Chapter 26, requires taxing units to comply with "Truth-in-Taxation" laws in setting ad valorem tax rates, and that a no-new-revenue tax rate and voter-approval tax rate calculations are performed. The calculated rates for Fiscal Year 2023 (FY 2023) / Tax Year 2022 utilized the July 25, 2022 certified appraisal roll as the basis for calculation.

The proposed rate for FY 2023 is \$0.640476 per \$100 of valuation, which is the rate presented to City Council at the FY 2023 budget workshop on August 09, 2022. The proposed rate of \$0.640476 does not exceed the voter-approval tax rate of \$0.640476, therefore, no public hearings on the tax rate are required by the Texas Property Tax Code.

Section 26.061 of the Texas Tax Code, Notice of Meeting to Vote on Proposed Tax Rate that Does not Exceed Lower of No-New Revenue or Voter-Approval Tax Rate, requires the City Council vote to set the date, time and place of the vote on the tax rate. This notice will be published in the Cleburne Times-Review on Saturday, August 27, 2022.

The allocation for the FY 2023 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$0.029790 and the operations and maintenance (General Fund rate) is \$0.610686. The ordinance adopting the FY 2023 tax rate will reflect these rates.

MOTION: to approve as presented and state the intent to adopt a tax rate of \$0.640476 per hundred dollars of valuation for Fiscal Year 2023 at the Tuesday, September 13, 2022 regular council meeting

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		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>

RS12. RS08-2022-109 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT FOR EMPLOYEE BENEFIT PLANS FOR FISCAL YEAR 2023.

Presented by: Debra Powledge, Director of Human Resources

Summary: Staff and HUB International, the City’s Insurance advisor, have worked together evaluating renewals submitted for the City’s insurance medical and dental plans. Previous presentations to the Council were presented in April and July providing an overview of the plan status, renewal increases, and recommended plan adjustments. Heath Haigood, Account Manager with HUB International provided a brief overview presentation at the July 23 meeting for City Council. The recommended plans are as follows:

- Continue funding 100% of the employee medical premiums under the HDHP and the HDHP- THA value and a variable portion of the dependent subsidy. The difference in the increased premiums for the buy up plans would be 100% employee funded as well as any additional dependent coverage for all plans.
- Dental coverage with United Healthcare with increased annual maximum of \$2,000 to include 50% orthodontia coverage for dependents under 19 years old.

- Continue with Superior Vision for the third year of a three-year rate guarantee.
- Continue with Symetra Life Insurance for Life Insurance, AD&D, and Long Term Disability plans. All voluntary life insurance plans are the responsibility of the employee. This will be the third year of a three-year rate guarantee.
- Continue with Symetra for its voluntary Accident and Critical Illness plans. All premiums are the employee’s responsibility. This will be the third year of a three-year rate guarantee.
- Continue with Deer Oaks as the City’s Employee Assistance Program. This program is funded by the City and will be the third year of a three-year rate guarantee.
- Continue with Flores and Associates as the City’s Flexible Benefits and Section 125 Administrator. This is the third year of a five-year rate guarantee
- Continue with Alight for Concierge Services

MOTION: to approve as presented

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

Mayor Cain recessed the Regular Council Meeting at 9:09 pm to discuss items legally posted and discussed in executive session.

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 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 the provisions of Chapter 551 and to deliberate the purchase, exchange, lease, or value of real property related to the following:

EXE1. Discuss City-owned Real Property located at 1801 Sparks Drive

Section 551.071. Consultation with Attorney The City Council will convene into executive session to receive legal advice from the City Attorney on the following matters in which the duty of the City Attorney to the City's governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code:

EXE2. Actions taken and to be taken related to securing the building located at 14 East Chambers Street (further described as the Southwest Corner of Caddo Street and Chambers Street)

Mayor Cain reconvened into open session at 9:23 pm and no formal action was taken resulting from items legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 9:23 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: AUGUST 23, 2022