



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

Notice is hereby given that a **REGULAR COUNCIL MEETING AND WORKSHOP SESSION** of the above named City will be held on the **25<sup>th</sup>** day of **FEBRUARY, 2020**, at **5:00 pm** in the Council Chambers at Cleburne City Hall, 10 North Robinson Street, Cleburne, Texas 76031.

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

Refer to attached agenda

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board in City Hall of said City in Cleburne, Texas, a place convenient and readily accessible to the general public at all times, as well as the City's official website at [www.cleburne.net](http://www.cleburne.net) and said Notice was posted on **February 21, 2020**, by **5:00 pm**.



City of Cleburne

By   
Ivy Peterson, City Secretary



City Hall is wheelchair accessible. Access to the building and special parking are available at the southeast entrance facing Chambers Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817/645-0908 or by FAX 817/556-8848 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

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



**REGULAR CITY COUNCIL MEETING AGENDA**  
**FEBRUARY 25, 2020**  
**5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET**

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR**

**City Council:**

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

**Administration:**

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Rev Kim Higdon, Highpoint Church of God

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL**

**V. CITIZENS COMMENTS**

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

**VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

☆ Presentation – January All-Star Award – James Hailey, Police Department

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**CONSENT ITEMS**

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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. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

**M1. CONSIDER MINUTES FOR THE FEBRUARY 11, 2020 COUNCIL MEETING.**

**BQ1. CONSIDER AUTHORIZING PURCHASE OF A F750 DUMP TRUCK FROM CHASTANG FORD FOR AN AMOUNT NOT TO EXCEED \$72,500 FOR USE IN THE STREET AND DRAINAGE DEPARTMENTS.**

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

BRIEF: The Streets Department utilizes dump trucks to haul asphalt, road base, debris, fill, and spoils to and from job sites. These trucks are essential to the operation of the Street Maintenance department in the preservation and repair of our communities' streets and drainage ways. The total cost of this vehicle including the dump body is \$69,924.00 including the Buy Board fees of \$400. After in-service add-ons (lights, tarps, safety equipment, etc.) the total price will not exceed \$72,500.00.

**BQ2. CONSIDER AUTHORIZING PURCHASE OF A CHEVROLET TAHOE FROM CALDWELL COUNTRY CHEVROLET FOR AN AMOUNT NOT TO EXCEED \$61,335 FOR USE AS A POLICE PATROL VEHICLE.**

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

BRIEF: This vehicle will replace an existing unit in the Police Department. The existing unit will be removed from the fleet and auctioned, or replace a lower priority unit within the fleet that is less desirable to maintain. This replacement unit is being ordered with all necessary police accessories and equipment with the exception of laptops and two-way radios. The cost of the unit is \$61,335, which includes a \$400 BuyBoard fee. This purchase is from Caldwell Country Chevrolet through the BuyBoard Purchasing Cooperative. All competitive purchasing requirements have been met.

**RS1. CONSIDER RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH EDUCATION SERVICE CENTER, REGION 20 FOR PACE PURCHASING COOPERATIVE SERVICES.**

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: The City of Cleburne desires to utilize cooperative purchasing through PACE on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by multiple governmental entities. PACE allows local governments to purchase goods and services under multiple vendors/categories. All competitive purchasing requirements have been met by PACE.

**OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF JANUARY 2020.**

Person presenting this item: Troy Lestina, Director of Finance

**OC2. CONSIDER REPLAT OF LOT 1R, BLOCK 11, OF WEST HOLLOW ADDITION, BEING ±10.545 ACRES OF LAND LOCATED AT 1304 COUNTRY CLUB ROAD; AS REQUESTED BY JOHNSON COUNTY CHILDREN'S ADVOCACY CENTER, REPRESENTED BY TAMMY KING.**

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

**BRIEF:** The applicant is requesting approval of a replat for Lot 1R, Block 11, of West Hollow Addition. The applicant requested a PD (Planned Development) rezone for approximately 10.545 acres, with the intent to construct a new office for the Johnson County Children's Advocacy Center. The PD was approved at the October 8, 2019 City Council meeting, OR10-2019-64.

Prior to the adoption of House Bill (HB) 3167 on September 1, 2019, replats were required to be approved by the Planning and Zoning Commission and City Council. Given that this replat was submitted on July 12, 2019, prior to the adoption of HB 3167, it must be approved by the Planning and Zoning Commission and City Council.

The properties to the north, west and south are zoned SF-4 (Single-Family Dwelling District) and the property to the east is zoned D (Duplex District). The surrounding land use is primarily single-family residential homes with Cleburne Christian Academy to the east of the subject property.

As submitted, the replat meets all of the minimum requirements of the PD – OR10-2019-64 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval by a vote of 4-0.

**OC3. CONSIDER PRELIMINARY PLAT OF LOTS 1-16, CA-1X AND CA-2X, BLOCK A, OF ISLAND GROVE DUPLEXES ADDITION, BEING ±5.73 ACRES OF LAND LOCATED AT 912 FULLER AVENUE; AS REQUESTED BY NEXTERA HOMEBUYER, LLC, REPRESENTED BY CRANNELL ENGINEERING.**

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

**BRIEF:** The applicant is requesting approval of a preliminary plat for the Island Grove Duplexes Addition, a proposed development comprised of 16 duplex residential lots and two (2) common area lots. The applicant requested a PD (Planned Development) rezone for the subject property for the proposed duplex development. The PD was approved at the July 9, 2019 City Council meeting, OR07-2019-38.

The surrounding properties are all zoned SF-4 (Single-Family Dwelling District). There are a few single-family residential homes in the vicinity as well as large areas of undeveloped land. Adams Elementary School is north of the subject property.

As submitted, the preliminary plat meets all of the minimum requirements of the PD – OR07-2019-38 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval by a vote of 4-0.

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**BIDS & QUOTES**

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**BQ3. CONSIDER AUTHORIZING PURCHASE OF A ROSCO MAXIMIZER LIQUID ASPHALT DISTRIBUTER FROM CLOSNER EQUIPMENT COMPANY, INC FOR AN AMOUNT NOT TO EXCEED \$180,000 FOR USE IN THE STREET DEPARTMENT.**

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

**BRIEF:** The Street Department has a need for an asphalt distributor for the repairs performed on asphalt streets throughout the community. A trailer mounted unit is currently being utilized which limits the performance and capabilities of the staff. This piece of equipment is essential to the operation of the Street Maintenance Department in the preservation and repair of our communities' streets and drainage ways. The total cost of this vehicle is \$180,000. The funds were included in the Fiscal Year 2020 General Fund budget.

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## **RESOLUTIONS & ORDINANCES**

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**RS2. CONSIDER RESOLUTION AUTHORIZING CHAPTER 380 AGREEMENT UNDER THE IMPACT FEE REBATE INCENTIVE PROGRAM FOR A NEW HOME LOCATED AT 446 CHASE AVENUE; AS REQUESTED BY GARZA GROUP CUSTOM HOMES.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Garza Group Custom Homes has submitted an application for reimbursement of impact fees utilizing the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. Their approximate investment will be \$135,000 for a 1,369 square foot home at 446 Chase Ave. They have paid a total of \$5,093 in water, sewer, and roadway impact fees. 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 guidelines and criteria in order to qualify for reimbursement of these fees.

**RS3. CONSIDER RESOLUTION AUTHORIZING CHAPTER 380 AGREEMENT UNDER THE IMPACT FEE REBATE INCENTIVE PROGRAM FOR A NEW HOME LOCATED AT 448 CHASE AVENUE; AS REQUESTED BY GARZA GROUP CUSTOM HOMES.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Garza Group Custom Homes has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. Their approximate investment will be \$135,000 for a 1,369 square foot home at 448 Chase Ave. They have paid a total of \$5,093 in water, sewer, and roadway impact fees. 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 guidelines and criteria in order to qualify for reimbursement of these fees.

**RS4. CONSIDER RESOLUTION AUTHORIZING CHAPTER 380 AGREEMENT UNDER THE IMPACT FEE REBATE INCENTIVE PROGRAM FOR A NEW HOME LOCATED AT 117 KATY STREET; AS REQUESTED BY KR HOMES LLC.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** KR Homes has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting.

Their approximate investment will be \$106,800 for a 1,490 square foot home to be constructed at 117 Katy Street. They have paid a total of \$5,093 in water, sewer, and roadway impact fees. 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 guidelines and criteria in order to qualify for reimbursement of these fees.

**RS5. CONSIDER RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT UNDER THE DOWNTOWN BUILDING REHABILITATION INCENTIVE PROGRAM FOR PROPERTY LOCATED AT 209 WEST HENDERSON STREET, AS REQUESTED BY DAN ROBERTS.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Mr. Roberts, representing Chaf-In Restaurant, has submitted an application seeking funds available under the Downtown Building Rehabilitation Matching Incentive Program (“Program”) in the amount of 1,998.00 to be used toward the cost of installing a new roof on a portion of the restaurant located at 209 West Henderson Street. Total cost of this project is \$3,995.00. Under the terms of the Program, matching funds of 50% of total project cost up to a maximum of \$25,000 would be available if the application is approved.

**RS6. CONSIDER RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT UNDER THE FAÇADE IMPROVEMENT PROGRAM FOR PROPERTY LOCATED AT 209 WEST HENDERSON STREET, AS REQUESTED BY DAN ROBERTS.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Mr. Dan E. Roberts, representing Chaf-In Restaurant, has submitted an application under the terms of the City’s Façade Improvement Incentive Program seeking reimbursement of expenditures for improvements to the property located at 209 W. Henderson. The scope of work for this project includes installation of new sign facings on both sides of the existing pole structure. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements will be \$9,093.00, so the maximum reimbursement would be \$4,547.00.

***\*PUBLIC HEARING\****

**OR1. CONSIDER ORDINANCE APPROVING THE CLEBURNE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 2 FINANCE AND PROJECT PLAN AS REVISED BY THE BOARD OF DIRECTORS ON FEBRUARY 5, 2020.**

Person presenting this item: Chris Fuller, Deputy City Manager

**BRIEF:** The Tax Increment Financing District Reinvestment Zone No. 2 (TIF 2) Board of Directors met on February 5, 2020, where they unanimously approved changes to the Finance and Project Plan, which was last revised on April 18, 2018. The purpose of this item is to amend the Financing and

Project Plan for Tax Increment Reinvestment Zone Number Two to increase the total estimated project costs from \$1,499,216 to \$1,930,217, while leaving existing projects in the plan unchanged.

The funding allocations within the Project Plan are:

- 1) Allocate \$1,257,197 to project #14 “Downtown Sidewalks and Curbs Improvements”
- 2) Allocate \$150,000 to project #15 “Façade and Building Reinvestment Grants”

The revised Finance and Project Plan has been reviewed by the City’s Finance Department and is being submitted for Council’s approval.

**RS7. CONSIDER RESOLUTION AUTHORIZING A CONTRACT WITH NORTHSTAR CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE DOWNTOWN SIDEWALK PROJECT IN THE AMOUNT OF \$894,240, WITH A 15% CONTINGENCY FOR A TOTAL PROJECT COST NOT TO EXCEED \$1,028,375, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS.**

Person presenting this item: Cheryl Taylor, Director of Engineering Services

**BRIEF:** The existing sidewalks in the Downtown Cleburne area are deteriorated and in need of replacement. The City opened bids on January 16, 2020 for the construction of the Downtown Sidewalk Project. Six (6) bids were received. The lowest responsive bidder that provides the best value is Northstar Construction, LLC of Fort Worth, Texas, as recommended by Childress Engineers.

The scope of the project award includes the base bid, plus alternates “A”, “B”, and “C” to remove existing deteriorated sidewalks, driveways, and curbs, and install new sidewalk, driveway and curb and gutter improvements with vertical and horizontal aesthetic elements, as well as flag holders and handrails, as needed.

Funding for the Downtown Sidewalk Project, including the construction contingency, is a budgeted capital expenditure in the FY 2020 TIF #2 budget.

**RS8. CONSIDER RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ALLIANCE GEOTECHNICAL GROUP FOR CONSTRUCTION MATERIALS TESTING FOR THE DOWNTOWN SIDEWALK PROJECT IN AN AMOUNT NOT TO EXCEED \$25,000.**

Person presenting this item: Cheryl Taylor, Director of Engineering Services

**BRIEF:** The City awarded a construction contract to Northstar Construction, LLC for the construction of the Downtown Sidewalk Improvement Project. The City of Cleburne project specifications require materials testing for sidewalk construction. Alliance Geotechnical Group of Fort Worth, Texas has performed similar work for the City of Cleburne on several projects including the Woodard and Grand Reconstruction Project and at the Depot at Cleburne Station. Geotechnical testing is considered an engineering professional service.

Funding for the Downtown Sidewalk Project, including the materials testing, is a budgeted capital expenditure in the FY 2020 TIF #2 budget.

***\*PUBLIC HEARING\****

**OR2. CONSIDER ORDINANCE REZONING ±29.12 ACRES FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED APPROXIMATELY 1,000 FEET NORTH OF MT CARMEL ROAD AND ON THE WEST SIDE OF N MAIN STREET, AS REQUESTED BY CLEBURNE OZF LLC, REPRESENTED BY RYAN VOORHESS.**

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

**BRIEF:** The applicant has requested to rezone approximately 29.12 acres from M2 (Heavy Industrial District) to PD (Planned Development District), located approximately 1,000 feet north of Mt. Carmel Road and on the west side of North Main Street. Within the PD rezoning request, the applicant is proposing a multi-family development on approximately 23.95 acres of land and future commercial development for the approximately 5.17 acres of land that fronts along N. Main Street.

The proposed base zoning districts within the PD are the MF (Multiple-Family Housing District) and the C2 (General Business District). The applicant has submitted a concept plan, building renderings and design standards for the proposed multi-family development. The property to be developed commercially will follow the rules and regulations of the C2 District as outlined by the Zoning Ordinance.

The property is currently undeveloped. The properties to the north and east are zoned the M2 (Heavy Industrial District) and the property to the south is zoned the SF-4 (Single-Family Dwelling District). The property to the west is located within the City’s Extraterritorial Jurisdiction (ETJ). The surrounding land use is primarily large tracts of vacant land.

Prior to the issuance of a building permit, a preliminary plat and final plat are required for the development of the subject property. The property will be served with water services by the Johnson County Special Utility District (JCSUD). City sewer service is not currently available to the site and the developer will be required to extend service at such time development occurs.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval by a vote of 4-0.

***\*PUBLIC HEARING\****

**OR3. CONSIDER ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 155: ZONING BY AMENDING 155.51: COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT FOR CONSISTENCY WITH NEW STATE LAW (HB 2439) CONCERNING BUILDING PRODUCTS, MATERIALS, OR CONSTRUCTION/RENOVATION METHODS.**

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

**BRIEF:** In response to HB 2439, staff is proposing an amendment to Section 155.51: Commercial/Industrial Overlay District of the Code of Ordinances, which requires certain building materials in the Commercial/Industrial Overlay District. House Bill 2439 became effective on September 1, 2019. HB 2439 prohibits Cities from regulating building materials for new construction and renovations. The new law establishes that any building material meeting the minimum requirement of the National Model Code is permissible. Exemptions only apply to historical structures and/or cultural or historical districts.

The proposed amendment to Section 155.51 retains the City’s current materials standards for the Commercial/Industrial Overlay District and adds an additional provision clarifying that a project may strictly comply with state law.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval by a vote of 4-0.

**OR4. CONSIDER ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.40: SIGN STANDARDS, TO PERMIT AN INCREASE IN THE MAXIMUM SIGN AREA FOR PROPERTY LOCATED AT 1614 W HENDERSON STREET; AS REQUESTED BY MURPHY OIL USA, INC.**

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

**BRIEF:** Murphy Oil USA, Inc. has submitted a formal request for a variance to allow for an increase in the maximum sign area of proposed gas canopy signage to be located at 1614 W. Henderson Street. The property is currently being utilized as a gas station, with existing signage on the gas canopy that includes the company name, logo and gasoline prices.

The applicant is proposing to demolish the existing kiosk and gas canopy and construct a new 1,400 square foot convenience store with eight (8) fuel dispensers. A new gas canopy with signage as well as a pole sign are being proposed to serve the site.

The subject property is located within the Community Commercial District of the Future Land Use Plan. Within this district, Section 156.40 of the Sign Ordinance permits both a pole sign and gas canopy signage. The proposed pole sign meets all of the requirements of the Sign Ordinance. However, the applicant is requesting additional sign area for the proposed gas canopy signage.

The proposed variance request is not in conflict with any of the four provisions listed above. Therefore, City Council has the discretion to grant a variance for the proposed sign, should they chose to do so.

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**WORKSHOP**

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**I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS**

WS1. City Council discussion and direction regarding the naming of a city facility in honor of Cathy Marchel – Steve Polasek

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**EXECUTIVE SESSION**

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Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

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

This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EXE1. Discuss request for development incentive proposal

**§ 551.071. Consultation with Attorney; Closed Meeting** A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

EX2. Discuss annexation and disannexation authorities prescribed by Chapter 43 of the Texas Local Government Code.

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

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**ADJOURNMENT**

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**ADJOURNED AT:**



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