



## CITY COUNCIL REGULAR MEETING AGENDA

**APRIL 27, 2021 @ 5:00PM**

**CITY HALL COUNCIL CHAMBERS**

**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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City Council meetings are open to the public with social distancing and sanitation protocols in place. A member of the public wishing to participate in the meeting may do so via the options below or view the [live broadcast](#).

- ***In person:*** Complete a speaker/comment registration card and turn in to the City Secretary before the meeting begins.
- ***Submit questions/comments online:*** Complete a speaker/comment registration card found on the [City's online Agenda Center](#). Registration cards received by 4:00 p.m. the same day will be distributed to the Council for consideration.
- ***Address the Council by phone:*** Submit a registration card as directed above and by 4:45p.m.call [\(346\) 248-7799](tel:346-248-7799) or (800) 731-0285. **Enter Meeting ID 995-6991-0537 and then press #.**

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

**City Council:**

**Scott Cain, Mayor**

**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 Rev Miguel Rodriquez, Centro Christiano Bethel

### III. PLEDGE OF ALLEGIANCE

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

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### 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

☆ Proclamation – National Student Leadership Week, National Honor Society – April 18-24

☆ Proclamation – Drinking Water Week. “There When you Need It” – May 2-8  
Presentation by Jeremy Hutt, Public Works Director

**CMP3.** Quarterly update on Economic Development Activity – Grady Easdon, Economic Development Manager

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## CONSENT AGENDA

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**MN1. CONSIDER MINUTES FOR THE APRIL 13, 2021 REGULAR COUNCIL MEETING.**

**RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MAY 11, 2021.**

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 May 11, 2021 at 11:59 p.m. central standard time.

**RS2. CONSIDER AN AGREEMENT WITH DELCOM GROUP (TIPS CONTRACT #200904 AV) FOR THE AUDIOVISUAL SYSTEM AT THE RAILROAD MUSEUM FOR AN AMOUNT NOT TO EXCEED \$26,117.07; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The multipurpose room audiovisual project will include a motorized recessed ceiling screen, ceiling mounted projector, flush mounted speakers and subwoofers, wireless microphone system, and HDMI wall plate. Delcom Group awarded this project utilizing TIPS contract, #200904 AV, in an amount of \$24,817.07 with a \$1,300 contingency for a total project amount not to exceed \$26,117.07. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at their April 15, 2021 meeting.

**RS3. CONSIDER AN AGREEMENT WITH COMPUTEX TECHNOLOGY SOLUTIONS (BUYBOARD CONTRACT #579-19) FOR NETWORK CABLING AND CAMERAS AT THE RAILROAD MUSEUM FOR AN AMOUNT NOT TO EXCEED \$19,182; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The cabling will provide network drops at locations where there will be computers/phones along with a fiber run to the Smith Museum to provide additional access. They will be installing a locking network rack to house all of our network equipment. The cameras are setup around the building to provide coverage of public areas, entrance/exits, and some outside coverage of the front area. The cameras will hookup to the current camera system. Computex Technology Solutions was awarded this project utilizing BuyBoard contract #579-19 in an amount of \$17,432 with a \$1,750 contingency for a total project amount not to exceed \$19,182. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at their April 15, 2021 meeting.

**RS4. CONSIDERATION A DEVELOPMENT AGREEMENT WITH MORROW DEVELOPMENT, LLC FOR CITY PARTICIPATION IN OFFSITE STREET AND DRAINAGE INFRASTRUCTURE FOR THE HIDDEN VILLAGE SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$36,822**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has been contacted by a developer and received a request to enter into a development agreement for off-site street and drainage infrastructure regarding a connection to existing N. Buffalo Street. The connection is required to provide connectivity for the benefit of both the new and existing residences in the area. The existing off-site portion of N. Buffalo Street was not originally constructed to city street standards with relation to drainage improvements that would have been required to provide adequate flood water passage and elevate the road from the channel. The need and costs to rebuild this off-site section of N. Buffalo Street and the associated drainage improvements were not anticipated by the developer or known to the City when the requirement for the developer to tie-in to N. Buffalo Street was made, so the developer has requested that the City participate in the costs. Staff have worked with the development group to draft the proposed agreement for City Council consideration. The main components of the agreement include:

**Developer Obligations**

- Construction of all on-site infrastructure including water, sewer and street improvements
- Construction of all off-site infrastructure (estimated cost of \$196,000)

**City Obligations**

- Off-Site Street and Drainage Cost Participation in an amount not to exceed \$36,822 (Funding is available in the Drainage Operational Budget)

**RS5. CONSIDER A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR, PURSUANT TO 16 TEXAS ADMINISTRATIVE CODE § 25.243, TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY.**

Presented by: Rhonda Daugherty, Finance Director

Summary: On April 8, 2021, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recover Factor (“DCRF”) to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in total distribution revenue requirement by approximately \$97,826,277.

The proposed resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The purpose of the Resolution is to deny the DCRF application proposed by Oncor. Cities have sixty (60) days from the date of filing to act (deny the increase), thus providing additional time for appropriate review and consideration which is our standard practice.

**OC1. CONSIDER APPROVING ACCOUNTS PAYABLE FOR THE MONTH OF MARCH 2021.**

Presented by: Rhonda Daugherty, Director of Finance

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**ACTION AGENDA**

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**OR1. \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±146.83 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT), C2 (GENERAL BUSINESS DISTRICT) AND D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF WEST HENDERSON STREET AND MAYFIELD PARKWAY, AS REQUESTED BY MAYFIELD FAMILY, LP, REPRESENTED BY CLAIREMONT ACQUISITIONS, LLC, CASE ZC21-004.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The proposed 146.83 acre Planned Development (PD) is for a single-family residential development, to be known as the Mayfield Ranch subdivision. The proposed development will contain 540 single-family lots, with a total of 453 50-foot wide lots, and 87 60-foot wide lots types. The applicant is requesting a base zoning of the SF-4 District with some deviations, including minimum lot area and building setbacks. The applicant is proposing amenities within approximately 20 acres of open space, including enhanced landscaping along University Drive, pocket parks, a connected trail system, and a central amenity center with a pool, playground, and pavilion. Further detail is provided below.

A total of twenty (20) property owners within 200 feet were notified of the proposed rezoning request. Staff received a total of (2) letters of opposition and a signed petition of opposition (see backup). Per State Law and Section 155.15 of the Zoning Ordinance, should a protest of 20% or more of the property owners within the 200 feet notification boundary be submitted, a super majority vote by City Council is required. Staff has evaluated the submitted opposition letters and it does not constitute a super majority vote given that the percentage of opposition is 6.9%.

The Planning and Zoning Commission considered this request at their April 12, 2021 meeting and recommended *denial* by a vote of 6-1.

*The recommendation of denial requires a supermajority vote for approval by City Council.*

**OR2. CONSIDER AN ORDINANCE AMENDING THE 2020-2021 ANNUAL BUDGET ORDINANCE OR09-2020-49 BY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTION NECESSARY TO FACILITATE THE CHANGES IDENTIFIED NEEDED FOR BUILDING INSPECTIONS, HUMAN RESOURCES AND PUBLIC WORKS.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: City staff is submitting for Council consideration and approval a revised budget for the Fiscal Year 2020-21 (FY21) based on the requested amendments as presented by Building Inspections and Human Resources. This revised budget also includes adjustments for additional water meters, additional trash carts and minor housekeeping corrections due to detail budget lines being omitted from the final original budget document. The proposed budget amendments are detailed in Exhibit A to the proposed ordinance and are summarized by fund as follows:

	Proposed Amendments
General Fund Revenue	\$101,000
General Fund Expense	319,743
Water and Sewer Fund	131,493
Municipal Airport Fund	4,285
Drainage Utility Fund	3,727

These amendments will revise the total adopted budgets (Ordinance OR09-2020-49) for each of these funds as approved with applicable previous amendments as follows:

	Current Amended Budget	Revised Amended Budget
General Fund	\$41,519,447.83	\$41,439,190.82
Water and Sewer Fund	12,833,703.83	12,965,196.62
Municipal Airport Fund	919,218.33	923,502.88
Drainage Utility Fund	732,032.00	735,759.00

**OR3. CONSIDER AN ORDINANCE AMENDING THE GENERAL FUND BUDGET FOR THE CITY OF CLEBURNE FISCAL YEAR 2020-21 BY REALLOCATING \$23,000 FROM THE CITY MANAGER DEPARTMENT AND \$25,000 FROM THE NON-DEPARTMENTAL DEPARTMENT, TO THE PLANNING & ZONING DEPARTMENT.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: City staff is submitting for Council consideration and approval a budget amendment to provide funding for the Future Land Use Plan (FLUP) amendment requested by the Zoning Update Working Committee.

**RS6. CONSIDER A RESOLUTION AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SAFE BUILT TEXAS LLC FOR THIRD PARTY BUILDING INSPECTIONS AND PLAN REVIEW FOR AN AMOUNT NOT TO EXCEED \$101,000.00.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: A professional services agreement was entered into on March 31, 2020 between the City of Cleburne, and Safebuilt Texas LLC., to provide assistance to the Building Inspections Division with plan review and building inspections. The Agreement was initiated to provide assistance to staff due to increased development activity within the City and to address a staffing shortage following the retirement of the two members of the Building Inspections team. Staff is requesting to renew the Agreement for an additional twelve (12) months for services to be provided on an as-needed basis. Renewal of this Agreement will provide the ability to maintain the same level of customer service the development community is accustomed to in Cleburne.

**RS7. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDED CONTRACT WITH FREESE AND NICHOLS INC., FOR PROFESSIONAL SERVICES BY AMENDING CHAPTER THREE OF THE CITY'S COMPREHENSIVE PLAN, TO GUIDE THE DEVELOPMENT OF TITLE XV: LAND USAGE, CHAPTER 155 ZONING, AND ASSOCIATED AMENDMENTS TO THE OFFICIAL ZONING MAP, FOR AN AMOUNT NOT TO EXCEED \$47,958.00.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: On February 11, 2020 City Council approved Resolution RS02-2020-20 authorizing a contract with Freese and Nichols, Inc. (FNI) to conduct a comprehensive update to the City's existing zoning ordinance and zoning map. As part of the update process, an Advisory Committee was appointed by the City Council on June 23, 2020 to assist and advise city staff, and to make recommendations to City Council regarding the development of the Zoning Ordinance and Zoning Map.

At the February 3, 2021 Zoning Ordinance Advisory Committee meeting, the Committee, by consensus requested that staff send a recommendation to City Council to consider and initiate an update the City's Future Land Use Plan (FLUP) Map and associated text describing the land use categories. The purpose of the update is to refine the FLUP map and text to provide guidance and reflect current conditions to make better-informed decisions when updating the zoning map.

Following the request from the Committee, staff worked with FNI to develop a new project timeline and scope of services to include the FLUP. The revised project timeline and scope of services has been attached for your review.

The proposed amendment for the addition of the Future Land Use Plan is \$47,958.00.

**RS8. CONSIDER A RESOLUTION AMENDING THE CHARGE OF PROCEDURAL GUIDELINES FOR THE "ZONING ORDINANCE AND OFFICIAL ZONING MAP UPDATE ADVISORY COMMITTEE".**

Presented by: Shane Pace, Executive Director of Development Services

Summary: At the June 23, 2020 City Council meeting, Council approved the creation of an advisory committee (known as “The Zoning Ordinance and Official Zoning Map Update Advisory Committee”) to assist and advise city staff, and to make recommendations to City Council regarding the development of Title XV: Land Usage, Chapter 155 Zoning, and associated amendments to the City’s Official Zoning Map. The Committee recommended that the Future Land Use Plan (FLUP) and associated text be revised and amended concurrently with the zoning ordinance. Staff has developed an amended “Charge of Procedural Guidelines” for the Committee to include the recommended items.

**RS9. CONSIDER A RESOLUTION TO ADOPT THE PARKS, RECREATION, TRAILS, AND OPEN SPACE MASTER PLAN AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD AND PARKS AND RECREATION BOARD.**

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The proposed Parks, Recreation, Trails, and Open Space Master Plan will replace the existing 2010 master plan. The Cleburne City Council hired MHS Planning and Design, LLC., to develop the new master plan while also creating an Advisory Committee to advise and make recommendations regarding the development of the plan. The Advisory Committee reviewed and unanimously recommended the plan to the 4B Board and Parks and Recreation Board on March 16, 2021. At a joint meeting held on April 6, 2021, the 4B Economic Development Corporation Board and the Parks and Recreation Board reviewed unanimously recommended the plan for consideration to the Cleburne City Council.

To ensure this plan is eligible for grants, the Texas Parks and Wildlife Department has reviewed and approved the plan, pending adoption by the City Council.

**OR4. CONSIDER AN ORDINANCE ADOPTING AN UPDATED CIVIL SERVICE PAY SCALE REFLECTING THE REMAINDER OF THE MARKET ADJUSTMENT**

Presented by: Debra Powledge, Human Resources Director

Summary: The City Manager presented a plan to bring the Police and Fire compensation to the 55<sup>th</sup> percentile of the market. The first 50% was effective at the beginning of Budget Year FY21 and this ordinance reflects the remainder. The remainder will be effective the pay period beginning on June 27, 2021.

**RS10. CONSIDERATION OF AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRUCK ROUTE SIGNAGE**

Presented by: Jeremy Hutt, Public Works Director

Summary: The City of Cleburne has worked with the Texas Department of Transportation (TXDOT) for a solution to heavy truck traffic within the downtown Henderson Street corridor. Commercial truck traffic cannot be banned on State and Federal highways, but TXDOT has agreed to create a “Truck Route” with signage indicating the preferred routes for trucks through the City. A map of the routes is attached as Page 7 of the Advance Funding Agreement (AFA).

TXDOT is requesting that the City fund the full cost of the signs (\$39,995) and maintain the signs in perpetuity once they are placed. TXDOT crews will install the signs. The AFA is the agreement between TXDOT and the City. TXDOT has indicated they expect to start work within 120 days of finalizing of the agreement.

**OC2. COUNCIL CONSIDERATION OF THE DEMOLITION OF CONDEMNED STRUCTURE LOCATED AT 815 N ROBINSON BEFORE PROCEEDING WITH TAX RESALE.**

Presented by: Steve Polasek, City Manager

Summary: The property located at 815 N Robinson, Lot 2, Block 115, Original Cleburne CAD# 126.2800.07730 was struck off to the City at a Constable’s Tax Auction on June 4, 2020 Cause # T201200106 Constable’s Deed Instrument #2020/33128. The structure located on the lot was condemned by the Building and Standards Commission on January 22, 2018 Cause #17-04-19-13. Since that time the structure has deteriorated further. Cleburne Fire Marshal, Danny Wilson and Chief Building Official, Terry Broumley both agree that the structure should be demolished being at least 51% deteriorated. The house is not architecturally or historically significant. Staff recommends demolition of the structure before offering the lot for tax resale. The demolition cost, estimated at approximately \$3,500, will be the first item paid at the time of the resale.

In addition to enhancing the neighborhood, demolition of this structure and requirement to build a new single family home, as is our current requirement for tax resale properties, would be a productive move long term for all the taxing entities. Doing so would place a home of higher value on this lot resulting in an increase in tax revenue as opposed to repair of the existing structure of much lower value. That said, demolition of the structure would likely result in a lower bid for the property.

Estimated cost for demolition	\$ 3,500
Current JCAD value	\$ 62,618 (City tax portion - \$475)
Approximate resale value of lot	\$ 8,000+
Approximate JCAD value with new home	\$135,000 (City tax portion - \$1,026)

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**EXECUTIVE SESSION**

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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.

**§ 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).

EXE 1 – Discuss agreement with Johns Manville.



**§ 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.

EXE 2 – Discuss status of claim against the city.

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**CERTIFICATION**

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THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy of said Notice and that I posted said Notice on the City Hall bulletin board, 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 **Friday, April 23, 2021**, by **5:00 pm** in compliance with Chapter 551, Texas Government Code.

*Note: A quorum of any Cleburne board, commission, or committee may participate during this meeting.*

City of Cleburne



By: \_\_\_\_\_

*Cynthia Chapman*

Cynthia Chapman, Acting City Secretary



Reasonable accommodations to furnish auxiliary aids or services for persons with special needs will be provided when at least two working days’ notice is given. Contact the City Secretary’s office at (817) 645-0908 or by fax (817) 556-8848.