



CITY COUNCIL REGULAR MEETING AGENDA
SEPTEMBER 28, 2021 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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](#) or (888) 788-0099. **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 Pastor Billy Phillips, The Heights Church

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

CMP1. Presentation – Update on the American Rescue Plan Act of 2021, Rhonda Daugherty, Director of Finance

CMP2. Presentation – Utility Billing Update, Steve Polasek, City Manager

CMP3. Presentation – Stop Sign Signage Implementation and Usage, Jeremy Hutt, Director of Public Works

CONSENT AGENDA

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.

MN1. CONSIDER MINUTES FOR THE SEPTEMBER 14, 2021 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 12, 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 October 12, 2021 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH DALE S. HANNA FOR PROPERTY LOCATED AT 113 SOUTH CADDO STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE PROGRAM.

Presented by: Grady Eason, Economic Development Manager

Summary: Mr. Hanna has submitted an application under the terms of the City’s Façade Improvement program for reimbursement of expenses related to eligible improvements to property located at 113 S. Caddo Street. Planned improvements consist of removing deteriorating parking surface, replace with cushion sand, rebar, and pour 5-inch thick concrete slab. Also included in the project is painting the storefront and remove and/or replace deteriorating stucco siding.

Total cost of improvements is \$13,500.00; therefore, the reimbursement would be the maximum \$5,000.00 match. Should this request be approved, there would be \$3,773.00 in program funds remaining for FY 2021 after the budget amendment adding \$10,000 to the program was approved at the August 10, 2021 City Council meeting.

RS3. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH DALE S. HANNA FOR PROPERTY LOCATED AT 113 SOUTH CADDO STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Hanna has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 113 S. Caddo Street. The scope of work includes reconfiguring the roof at the northeast corner of the building to match the roofline of the original structure, which will also require additional structural framing work to the interior of the building.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$32,694.00, so the reimbursement would be \$16,347.00. If this request is approved, there would be \$25,653.00 remaining for other projects for FY2021.

RS4. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH FERNANDO RODRIGUEZ FOR PROPERTY LOCATED AT 102 SOUTH MAIN STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Rodriguez has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 102 S. Main Street. The scope of work includes replacement of three rooftop HVAC units (two are 5-ton heat pump units and one is a 3.5-ton heat pump unit). The project will require rental of a 60-ton crane to remove the old units and replace with new ones.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$29,300.00, so the reimbursement would be \$14,650.00. If this request is approved, there would be \$11,003.00 remaining for other projects for FY2021.

RS5. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH FERNANDO RODRIGUEZ FOR PROPERTY LOCATED AT 104 SOUTH MAIN STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Rodriguez has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 102 S. Main Street. The scope of work includes replacement of two rooftop HVAC units (one 5-ton heat pump unit and one 4-ton heat pump unit), converting from gas to

electric units. The project will require rental of a 60-ton crane to remove the old units and replace with new ones.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$13,650.00, so the reimbursement would be \$6,825.00. If this request is approved, there would be \$4,178.00 remaining for other projects for FY2021.

RS6. CONSIDER A RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION, INC. PER CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF FUNDING A PART-TIME ADMINISTRATOR TO OPERATE AND MANAGE THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

Summary: The Chisholm Trail Outdoor Museum (“CTOM”) has been in continuous operation on City of Cleburne Property west of Lake Pat Cleburne along Hwy. 67 since 2005, when a lease agreement was executed between the City and Johnson County Heritage Foundation Inc. (the “Foundation”). Since that time, several new events have been added such as the monthly bluegrass festival, in addition to other events such as the annual Pioneer Days Festival. The current on-site administrator, Ms. Carrie Reynolds, is an excellent promoter and constantly works toward adding new events and marketing the museum not just locally but on a statewide and national level.

City staff recognizes that the CTOM continues to experience increased attendance and exposure, and that the venue is an excellent tourist draw that promotes Cleburne’s pioneer heritage and direct ties to history of the Chisholm Trail. Therefore, staff is requesting renewal of the Agreement utilizing incentives available under Chapter 380 of the Texas Local Government Code be authorized to fund this position at \$20,000 annually, with payments made to the Foundation on a quarterly basis.

RS7. CONSIDER A RESOLUTION AUTHORIZING COOPERATIVE PURCHASING AND SERVICES FOR TECHNOLOGY SOLUTIONS THROUGH A MEMBERSHIP WITH MiCTA, A MICHIGAN NONPROFIT CORPORATION.

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City of Cleburne desires to utilize cooperative purchasing through MiCTA 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. MiCTA offers discounted technology solutions negotiated through a competitive procurement process, including Spectrum fiber network services. The City will receive better pricing for Spectrum fiber services by purchasing via MiCTA rather than the DIR contract offered by the Texas Department of Information Resources. All competitive purchasing requirements have been met by MiCTA.

OR1. CONSIDER AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 118: OIL AND GAS DRILLING; MINERAL EXPLORATION, SECTION 118.19: PERIODIC REPORTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The current ordinance requires an inspection of all gas wells on an annual basis. City Staff within the Public Works Department are currently performing this. The current fee for the annual inspection is set at \$3,000 per well. Upon review of the costs to perform this service, an alternate fee of \$1,650 may be more appropriate.

RS8. CONSIDER A RESOLUTION APPROVING A RATE INCREASE FOR COMMERCIAL SOLID WASTE SERVICES; AS REQUESTED BY WASTE CONNECTION DBA PROGRESSIVE WASTE SOLUTIONS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Cleburne City Council approved a contract with Waste Connections (dba Progressive Waste Solutions) on June 10, 2014. The term of the agreement is for a period of ten years, concluding on August 31, 2024. According to Section 8 of the approved contract, a yearly price increase based on the Consumer Price Index (CPI) as well as an Operating Cost Adjustment can be requested by the service provider.

The service provider previously requested and was granted a rate increase in 2017, 2019 and 2020. No other rate increases have been implemented since 2014. City staff has received a notice of requested rate adjustment for operating costs in the amount of 3.5%. If approved, the rates take effect on October 1, 2021. Should the request for increase not be approved the vendor may, by provision of the contract, cancel services with the City.

OR2. CONSIDER AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 50: GARBAGE AND TRASH, SECTION 50.06: RATES FOR HAULING AND DISPOSING OF GARBAGE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Cleburne City Council approved a contract with Waste Connections (dba Progressive Waste Solutions) on June 10, 2014. The term of the agreement is for a period of ten years, concluding on August 31, 2024. According to Section 8 of the approved contract, a yearly price increase based on the Consumer Price Index (CPI) as well as an Operating Cost Adjustment can be requested by the service provider.

The service provider previously requested and was granted a rate increase in 2017, 2019 and 2020. No other rate increases have been implemented since 2014. City staff has received a notice of requested rate adjustment for operating costs in the amount of 3.5%. If approved, the rates take effect on October 1, 2021 and this ordinance amends Section 50.06 Rates for Hauling and Disposing of Garbage to reflect the rate adjustment approved by Council.

RS9. CONSIDER A RESOLUTION AUTHORIZING CONTRACTS FOR ANNUAL SUPPLY OF WATER TREATMENT CHEMICALS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff has solicited bids for three chemicals that are used in the operation of the water utilities. A total of seven companies submitted bids to provide the chemicals at various rates. No single bidder submitted a bid to provide all three required chemicals. The chart below shows the

vendors for each of the three chemicals. Multiple vendors are being recommended to assure consistent supply and best cost to provide the city multiple options to be able to acquire the necessary chemicals in a timely manner.

RS10. CONSIDER A RESOLUTION AUTHORIZING A PRE-DEVELOPMENT AND PROFESSIONAL SERVICES AGREEMENT WITH LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

Presented by: Shane Pace, Executive Director of Development Services

Summary: On April 13, 2021, City Council approved a pre-development and professional services agreement with Lennar Homes of Texas Land and Construction Ltd. for the development of the project currently known as Wright Farms. On June 22, 2021, Lennar Homes submitted in writing, their intent to no longer pursue the project, and a request for refund of the remaining escrow funds. Following this request, the City refunded the remaining balance of the funds held in escrow, pursuant to the agreement.

On August 20, 2021, Lennar Homes contacted City staff requesting to initiate a new pre-development and professional services agreement. At this time, Lennar Homes seeks to develop the Development Area listed in Exhibit A of the attached resolution and recognizes that the City of Cleburne has limited financial resources to expend for professional services. Therefore, Lennar Homes of Texas Land and Construction Ltd agrees to pay the City of Cleburne for Professional Services rendered associated with this development for a total amount up to \$50,000.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2021.

Presented by: Rhonda Daugherty, Director of Finance

ACTION AGENDA

OR3. **PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±13.7 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT) AND C2 (GENERAL BUSINESS DISTRICT), GENERALLY LOCATED ON THE NORTH SIDE OF WEST KILPATRICK AVENUE AND APPROXIMATELY 1,400 FEET WEST OF GRANBURY STREET, AS REQUESTED BY CH DEVELOPMENT, REPRESENTED BY JOHN HARDEE, CASE ZC21-014.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 13.7 acres from C3 (Commercial District) and SF-4 (Single-Family Dwelling District) to SF-4 (Single-Family Dwelling District), D (Duplex or Two-Family Dwelling District) and C2 (General Business District) for the property generally located on the north side of West Kilpatrick Avenue and approximately 1,400 feet west of Granbury Street.

The applicant is requesting to rezone the subject property for future single-family and duplex residential development as well as commercial development along the frontage of West Kilpatrick

Avenue. The applicant has provided a conceptual site layout for informational purposes only to illustrate how the property may be developed based on the proposed rezoning request. This conceptual site layout is not up for consideration as part of this rezoning request.

The Planning and Zoning Commission considered this request at their September 13, 2021 meeting and recommended approval by a vote of 5-0.

RS11. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF REMINGTON RIDGE, PHASE IV, BEING ±27.081 ACRES, LOCATED APPROXIMATELY 1,500 FEET WEST OF NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE, AS REQUESTED BY FV DEVELOPMENT II, LLC, REPRESENTED BY BANNISTER ENGINEERING, CASE PC21-036.

Presented by: Shane Pace, Executive Director of Development Services

Summary: Applicant is requesting approval of the final plat for Remington Ridge, Phase IV, which is comprised of 128 single-family residential lots. The final plat meets all of the minimum requirements as outlined in the PD-OR07-2020-40 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their September 13, 2021 meeting and recommended approval with a vote of 5-0.

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 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:

EXE1. 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)

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

CERTIFICATION

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 and said Notice was posted on **Friday, September 24, 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: Ivy Peterson
Ivy Peterson, 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.