



Corrected Notice
CITY COUNCIL REGULAR MEETING AGENDA
NOVEMBER 9, 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](tel:3462487799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**
-

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 Ryan Michels, Cleburne Community 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. Proclamation – Cleburne Veterans Days, November 9-11, 2021, Marty Peters

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 OCTOBER 26, 2021 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL DECEMBER 14, 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 December 14, 2021 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION ADOPTING THE TEXAS TERM SHEET AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE SUBDIVISION SETTLEMENT PARTICIPANT FORMS AND OTHER NECESSARY DOCUMENTS TO THE STATE OF TEXAS FOR PARTICIPATION IN THE NATIONWIDE OPIOID SETTLEMENT AGREEMENTS.

Presented by: Steve Polasek, City Manager

Summary: This settlement arises out of suits related to alleged improper manufacture, distribution, marketing, and sales of opioids in a manner, which encouraged misuse and abuse. This litigation is wide ranging, and includes many opioid manufacturers, distributors, and retailers. This settlement would apply only to claims against the named distributors (McKesson, Cardinal Health, Amerisource Bergen), and manufacturer Johnson & Johnson (J&J) and its subsidiary Janssen. See staff report for more information.

RS3. CONSIDER A RESOLUTION REQUESTING THE JOHNSON COUNTY CONSTABLE TO SELL PROPERTY TO THE HIGHEST BIDDER TO SATISFY DELINQUENT TAXES OWED TO THE CITY OF CLEBURNE, CLEBURNE INDEPENDENT SCHOOL DISTRICT, HILL COLLEGE AND JOHNSON COUNTY.

Presented by: Ivy Peterson, City Secretary

Summary: In April 2018, the City began a strategic development project selling properties that had been struck off to the City (on behalf of the local taxing entities) by virtue of being unsold at

county tax auctions. From the beginning of that project until now the City has sold and returned to the tax rolls approximately 60 empty, unproductive lots requiring a single family home to be built on each lot. The City also recovered approximately \$130,000 in maintenance (mowing and demolition) costs, \$45,000 in back property taxes and \$40,000 in excess fees. The combined market value of the lots at the beginning of this project was a little over \$600,000. The combined market value of the lots with the newly built single-family homes is now slightly over \$8,000,000.

Coordinating with the City's tax attorneys Perdue, Brandon, Fielder, Collins and Mott, LLP, staff believes that the public would be best served and is most likely to result in the best price by allowing the remainder of these properties to be sold at a public sale by the Johnson County Constable. Additionally, it would offer these properties for development or private use more expeditiously.

Each of the remaining properties have value either for new development or as an addition to an adjacent property owner, but have their own unique challenges whether it be zoning, infrastructure, or land-use engineering. It is recommended the properties be sold by the Johnson County Constable, pursuant to the Texas Tax Code §34.05(c) and (d) in order to pay the delinquent taxes owed to all of the taxing entities in said judgments.

OR1. CONSIDER AN ORDINANCE APPROVING THE RESALE OF CERTAIN REAL PROPERTY ACQUIRED AT DELINQUENT TAX SALES AND AWARDED THE HIGH BIDS RECEIVED ON OCTOBER 29, 2021.

Presented by: Ivy Peterson, City Secretary

Summary: The City of Cleburne, for itself and the use and benefit of Johnson County, Hill College and the Cleburne ISD acquired title to certain parcels of real estate at Constable's sales. It is in the best interest of the City and its taxpayers to return these properties to a productive use. Therefore, staff requested Perdue, Brandon, Fielder, Collins, & Mott, LLP to conduct a "Tax Resale" event allowing bids to be received for these struck-off properties. Bids were advertised for four properties and received bids on all four, which were opened on October 29 2021. The Perdue Law Firm and city staff evaluated the bids and recommend the following for Council's consideration:

- **1193 South Brazos Avenue**, 1 Acre, acquired on December 21, 2016. High bidder is Luke Garza for \$10,000.00. City is to receive \$1,827.70 in maintenance fees, \$1,460.17 in back property taxes upon completion of resale.
- **705 Dewey Street**, Lot 16B, Block 240, Original Town Cleburne, acquired on December 6, 2019. High bidder is Luke Garza for \$500.00. City is to receive \$500.00 in maintenance fees, \$0 in back property taxes upon completion of resale.
- **204 Redbird Court**, Lot 5 Block 1, Red Bird Estate, acquired on October 15, 2020. High bidder is Alex Garza for \$30,000.00. City is to receive \$870.00 in maintenance fees, \$8,405.81 in back property taxes upon completion of resale.
- **815 North Robinson Street**, Lot 2, Block 115, Original Town Cleburne, acquired on October 15, 2020. High bidder is Gary & Lisa Fox for \$21,550.00. City is to receive \$8,075.00 in maintenance fees, \$2,968.65 in back property taxes upon completion of resale.

The total amount to be received by the City upon completion of the resale of the above four properties is \$24,107.33 (\$11,272.70 for maintenance fees and \$12,834.63 for back taxes).

RS4. CONSIDER A RESOLUTION AUTHORIZING A RENEWAL CONTRACT WITH THELIN RECYCLING FOR ANNUAL GRINDING SERVICES AT THE CITY'S TRANSFER STATION, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THIS AND ANY SUBSEQUENT RENEWALS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Sealed bids were solicited for annual grinding services for the Transfer Station for an initial twenty-four month term with three additional one-year options to renew. Bids were received from three vendors. The lowest, most responsible, bid was received from Thelin Recycling for the following options:

<u>Description</u>	<u>Unit Price</u>	<u>Estimated Quantity</u>	<u>Total Base Bid</u>
Single Grind	\$1.56/Cubic Yard	25,000 Cubic Yards	\$39,000.00
Double Grind	\$2.95/Cubic Yard	25,000 Cubic Yards	\$73,750.00

RS5. CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH WATERTALENT AND TO EXECUTE TASK ORDERS AT AN ESTIMATED COST OF \$100,000 FOR TEMPORARY STAFF TO FILL WATER UTILITY VACANCIES.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City operates a surface water treatment plant to produce the public drinking water system that serves nearly 32,000 people. The State of Texas requires surface water systems that serve more than 1,000 connections must use at least two operators; one of the required operators must hold a Class "B" or higher surface water license and the other required operator must hold a Class "C" or higher surface water license. The lead responsibility for operation of the City's water system has been provided by the Water Supervisor and the Assistant Water Supervisor in the Public Works Department, and both positions are currently vacant. Supplemental temporary licensed water operators are needed to meet the City's water operations staffing needs until regular fulltime City water operations staff can be hired.

WaterTALENT understands the water staffing needs of the City, has been very responsive to the City's request for qualified temporary water operators, proposes contract terms that meet the City's needs, received favorable reviews from other cities, and can provide temporary licensed water operators under a Professional Services Agreement (PSA) with Task Orders to individual temporary staff.

The Fiscal Year 2021-22 Water Utility budget is sufficient to fund the estimated cost of temporary WaterTALENT staff due to cost savings associated with the staffing vacancies.

OC1. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE DOME AIR HANDLER REPLACEMENT BY YEADON DOME AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$142,568; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The current air handler system is original to the dome and has seen considerable usage. The past two seasons, the air-handler has required constant oversight by staff to ensure it is working properly while in use, in addition to the pre and post-season annual maintenance. A third party that recommended replacement of the unit performed an inspection. The unit will supply the primary inflation system, heating / air condition, along with a backup inflations system. Additionally, this contract calls for the contractor to set up and start up the new inflation unit. Yeadon Domes was selected for this project utilizing Sourcewell contract #091319 – YEA, for an amount not to exceed \$142,568. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC2. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE DOME AIRLOCK AND REVOLVING DOOR REPLACEMENT BY YEADON DOME AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$36,750; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The current airlock and revolving door for the dome at Splash Station is from the original dome. These units have seen a considerable amount of use and are at the end of their useful life. The airlock replacement is \$17,900 and the revolving door is \$18,850 for a total project cost of \$36,750. Per the contract with Cleburne Independent School District, they have agreed to pay up to \$18,000 for the replacement items, thus lowering the total amount for the City. Yeadon Domes (Sourcewell #091319-YEA) is the contractor who developed the dome and is being recommended for this replacement project for an amount not to exceed \$36,750, with an amount of \$18,000 reimbursed to the City by CISD per contract. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC3. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE RENOVATION OF BATHROOMS/ LOCKERROOMS AT SPLASH STATION BY AUTHERS BUILDING GROUP FOR THE FOR AN AMOUNT NOT TO EXCEED \$97,919; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This project is to renovate the Splash Station bathrooms (also known as locker rooms). The bathrooms are original to Splash Station from its opening in July 2005. This renovation will include painting, ceiling repairs, new bathroom partitions, toilets, mirrors, lockers and new showers. This project will improve the overall guest experience at Splash Station. Authers Building Group is recommended for this project through a TIPS USA, contract #210205 for and amount not to exceed \$97,919. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC4. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR A MOBILE GENERATOR UNIT AT SPLASH STATION FROM SIX & MANGO EQUIPMENT, LLP FOR AN AMOUNT NOT TO EXCEED \$124,742.44; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This item is to consider approving the purchase of a mobile generator for Splash Station. This mobile generator will be a backup power supply in the event of power loss at Splash Station. Currently Splash Station has no backup power supply to keep minimal electricity on during power loss. Splash Station's electrical is a 3-phase system, not a single-phase system like that of a residential home. To have a fixed generator it would need to be located by the electrical room, which is just outside of the main entrance to the North of Splash Station. Six & Mango Equipment, utilizing a Sourcewell contract, #041719-CEC, is recommended for this purchase for an amount not to exceed \$124,742.44. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC5. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR A PUMP PIT SHADE STRUCTURE AT SPLASH STATION BY KRAFTSMAN FOR AN AMOUNT NOT TO EXCEED \$26,331.09; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The pump pit that operates the play features in the leisure pool is currently exposed to the elements. As recommended by the 2019 Aquatic Facility Assessment Report conducted by Councilman-Hunsaker, the exposed pump should have a shade structure to potentially extend the lifespan of the pump. The proposed shade structure will be installed behind the slide structure to cover the pump pit and avoid affecting all mechanical operations. Kraftsman is recommended for this project utilizing Buyboard contract #592-19 for an amount not to exceed \$26,331.09. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC6. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE REPLACEMENT OF SHADE FABRIC FOR TWO FIELDS AT THE SPORTS COMPLEX BY KRAFTSMAN FOR AN AMOUNT NOT TO EXCEED \$17,206.63; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This item is to replace the fabric canopies on baseball fields 2 and 4 at the Cleburne Sports Complex. The current canopies are 12 years old, have sun fading, and show signs of dry rot spots and holes that are getting larger in each canopy. Kraftsman (Buyboard #592--19) is recommended for this project to purchase and install the new fabric canopies at a price not to exceed \$17,206.63. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC7. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE REPLACEMENT OF THE FOOTBALL TOWER AT THE SPORTS COMPLEX BY REDD TEAM FOR AN AMOUNT NOT TO EXCEED \$17,905; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The current football tower is original to the facility and is unrepairable with extensive rotted wood and extensive rusting. The replacement tower will be aluminum that does not rust and will serve the facility for years to come. Redd Team is recommended for this project utilizing Buyboard contact #637-21 for an amount not to exceed \$17,905. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC8. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR HAND DREDGING AT THE SPORTS COMPLEX BY AMERICAN UNDERWATER SERVICES, INC. UTILIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF SOUTHLAKE FOR AN AMOUNT NOT TO EXCEED \$18,200; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The buildup of silt near the irrigation intake lines causes interference with the submerged pumps that feed the irrigation pump house. The onsite pond at the Sports Complex is the only supply source for irrigation water, which is filled with type one reuse water from the Water Department. American Underwater Services, Inc. will hand dredge and haul off ten boxes, the boxes will be fifteen cubic yards each. American Underwater Services, Inc. is recommended for this project utilizing an interlocal agreement with the City of Southlake for an amount not to exceed \$18,200. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC9. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR A KUBOTA TRACTOR CORPORATION FOR REPLACEMENT OF A TRACTOR AT THE SPORTS COMPLEX FROM ZIMMERER KUBOTA & EQUIPMENT, INC, FOR AN AMOUNT NOT TO EXCEED \$30,502.36; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This purchase will replace the existing tractor that is at the end of its usable life and requires several repairs annually. The new tractor will be outfitted with a hydraulic system that allows for multiple uses including a front loader package at the Sports Complex. Zimmerer Kubota & Equipment, Inc., the local authorized dealer for Kubota Tractor Corporation is recommended for this purchase utilizing Buyboard contract #611-20 for an amount not to exceed \$30,502.36. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC10. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR REPLACEMENT OF AN INFIELD GROOMER AT THE SPORTS COMPLEX FROM PROFESSIONAL TURF PRODUCTS, L.P. FOR AN AMOUNT NOT TO EXCEED \$27,966.33; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This purchase will replace a 2016 model infield groomer that is near the end of its useful life. The new infield groomer will be outfitted with front and rear remote hydraulic kit, tooth rake and nail drag. Professional Turf Products, L.P. is recommended for this purchase utilizing a Buyboard contract #611-20 for an amount not to exceed \$27,966.33. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

OC11. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF THREE REPLACEMENT TREADMILLS FROM COMM-FIT AT THE BOOKER T. WASHINGTON COMMUNITY AND RECREATION CENTER FOR AN AMOUNT NOT TO EXCEED \$22,928.25; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: This item is to replace three treadmills for Booker T. Washington Recreation Center from Comm-Fit a Buyboard company, including a five-year warranty on parts and labor. The current treadmills are 6 years old and have a trade-in value allowing the City to get a discounted price on the new treadmills. The new treadmills will be included in the quarterly maintenance with Comm-Fit. Comm-Fit is recommended for this purchase utilizing a BuyBoard contract (#583-19) for an amount not to exceed \$22,928.25. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the October 28, 2021 meeting.

RS6. CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF AN OPERATIONAL PERMIT FOR 2022 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING BACKUP AMBULANCE SERVICE FOR THE CITY OF CLEBURNE FIRE DEPARTMENT.

Presented by: Scott Lail, Fire Chief

Summary: CareFlite is requesting renewal of an operations permit to provide backup ambulance services within the City of Cleburne when the Cleburne Fire Department units are unavailable. There is no cost to the City as a result of granting said permit. CareFlite has satisfied all requirements for the 2022 renewal and have held an operations permit since 2003.

BQ1. CONSIDER AUTHORIZING PURCHASE OF A COMMAND STAFF VEHICLE FOR THE FIRE DEPARTMENT FROM CALDWELL COUNTRY CHEVROLET FOR AN AMOUNT NOT TO EXCEED \$60,547.03.

Presented by: Scott Lail, Fire Chief

Summary: Staff is requesting approval to purchase a new 2023 Chevrolet 2500 HD pickup through Caldwell Country Chevrolet in the amount of \$60,547.03. This new vehicle will be used to replace unit #0147088 (2008 Ford F-250). The vehicle being replaced will be sold at auction. Based on the fire department's vehicle requirements, this vehicle meets all required specifications. Caldwell Country is on BuyBoard - Contract # 601-19, so all competitive purchasing requirements have been met.

BQ2. CONSIDER AUTHORIZING PURCHASE OF AN AMBULANCE TO BE USED BY THE FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP, LLC, UTILIZING THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE CONTRACT AM10-20 FOR AN AMOUNT NOT TO EXCEED \$352,500.

Presented by: Scott Lail, Fire Chief

Summary: Staff is requesting approval to purchase a new 2022 Ford F550 Braun Chief XL Type I Ambulance through Siddons-Martin Emergency Group for the amount of \$352,500.00. This vehicle is new and equipped with the latest patient/crew safety features. This includes a 14 foot patient compartment that allows for ample room for crews to treat patients, a liquid spring suspension system for improved patient comfort during transports, 12-VDC/120VAC climate control system to ensure medication and patient compartment are kept at ideal temperatures, and a Stryker Power Load and Power Pro patient cot system. Based on the Fire Department's vehicle requirements, this vehicle meets all required specifications. Siddons-Martin Emergency Group is on HGAC - Contract # AM10-20, so all competitive purchasing requirements have been met. This new ambulance will replace existing Unit 0146098, a 2003 F350 ambulance that will be sold at auction once the newly purchased unit is delivered and placed in service.

ACTION AGENDA

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.11 ACRES FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 707 NORTH BRAZOS AVENUE, AS REQUESTED BY JOSE CORTES VIDAL, CASE ZC21-024.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant has requested to rezone approximately 0.11 acres from C1 (Local Business District) to SF-4 (Single-Family District) for the property located at 707 North Brazos Avenue. The applicant has indicated their intent to rezone the subject property for future construction of a single-family residence. The Planning and Zoning Commission considered this request at their October 25, 2021 meeting and recommended approval by a vote of 6-0.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING CHAPTER THREE: "PLAN COMPONENTS" OF THE CITY OF CLEBURNE'S 2014 COMPREHENSIVE PLAN, PLAN CLEBURNE; THE CLEBURNE COMPREHENSIVE PLAN, A VISION FOR THE FUTURE, A ROADMAP FOR GROWTH, BY REPEALING AND REPLACING THE "FUTURE LAND USE PLAN" SECTION IN ITS ENTIRETY.

Presented by: Danielle Castillo, Planning Manager

Summary: Staff is proposing amendments to chapter three titled "Plan Components" of the City of Cleburne's 2014 Comprehensive Plan to update the City's Future Land Use Plan (FLUP) Map and associated text describing the land use categories. These amendments coincide with the Zoning Ordinance and Zoning Map update. The purpose of this 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.

The Future Land Use Plan (FLUP) is a high-level, 30,000-foot view of the City and serves as a comprehensive blueprint of Cleburne's vision for its future development pattern. The FLUP has two components: A Map and Land Use Categories.

The FLUP Map designates various districts within the City for particular land uses, such as residential, commercial or industrial. It is essential to note that the FLUP Map is not a Zoning Map, which legally regulates specific development requirements on individual pieces of land. Rather, the FLUP Map is a tool that is utilized when determining if a rezoning request is compatible with the district and neighborhood in which it is located.

The FLUP Categories designate the types of uses that are considered compatible within each district as depicted on the FLUP Map. The FLUP Map and Land Use Categories work in harmony to provide the City with a foundation for future development that maintains the character of Cleburne.

The proposed amendments to the FLUP Map and associated text is attached for your review. The Planning and Zoning Commission considered this request at their October 25, 2021 meeting and recommended approval by a vote of 6-0.

OR4. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, BY REPEALING AND REPLACING CHAPTER 155: ZONING, IN ITS ENTIRETY, AND BY REVISING THE ZONING DISTRICT MAP OF THE CITY OF CLEBURNE.

Presented by: Danielle Castillo, Planning Manager

Summary: Staff is proposing amendments to Chapter 155 titled "Zoning" of the City of Cleburne's Code of Ordinances, including the Zoning District Map, to comprehensively revise the city-wide development regulations to shape future growth of the City.

The Zoning Ordinance is the section in the Code of Ordinances that regulates the development of property within the City. Zoning is use-based and determines appropriate uses for a property such as a residential subdivision or a commercial business. Zoning is also regulatory and determines site design standards including parking, landscaping and building placement on the property.

The City last updated its Zoning Ordinance over twenty-five years ago in 1996. Since that time, Cleburne has experienced significant growth, evolving into the city it is today. The current Zoning Ordinance is outdated and inconsistent with the vision and goals set forth in the City's Comprehensive Plan.

The City, through a strategic and community-based process, has revised its Zoning Ordinance and Zoning Map to reflect both current and projected market and neighborhood conditions, as well as incorporate best practices for development regulations. These regulations serve as a tool to maintain and enhance the character of the community; promote and protect the public health, safety, and welfare of Cleburne; conserve property values; promote orderly growth; and encourage appropriate investment of land and structures throughout the City.

The City created a website, www.cleburne.net/zoningupdate, with up-to-date information about the Zoning Ordinance and Zoning Map updates, including interactive maps, informational sheets, project timeline and various meeting recordings. The City mailed a total of 9,642 postcards

notifying all property owners within the City about the October 13th Community Open House and Public Hearings. The City mailed a total of 2,790 letters to all property owners within proposed Overlay Districts as well as property owners within 200 feet. The City mailed a total of 404 letters to all property owners within proposed rezoning areas near the railroad (change from Industrial to Residential) as well as property owners within 200 feet.

The proposed amendments to Zoning Ordinance and Zoning Map are for your review. The Planning and Zoning Commission considered this request at their October 25, 2021 meeting and recommended approval by a vote of 6-0.

OR5. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, OF THE CODE OF ORDINANCES BY AMENDING SECTION 154.047: PARK FACILITIES; PROVIDING FOR PARK AND OPEN SPACE DESIGN FEATURES AND DEDICATION REQUIREMENTS.

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: The requirements for open space, park and recreational areas contained in this Section are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape, and quality of open space and parks areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks, Recreation, Trails & Open Space Master Plan.

RS7. CONSIDER A RESOLUTION APPROVING PRELIMINARY PLAT OF LANKFORD FARMS, BEING ±121.18 ACRES, GENERALLY LOCATED NEAR THE SOUTHWEST INTERSECTION OF EAST SECOND STREET AND SOUTH BRAZOS AVENUE, AS REQUESTED BY FV DEVELOPMENT III, LLC, REPRESENTED BY MIKE VARRICHIO, CASE PC21-045.

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant is requesting approval of the preliminary plat for Lankford Farms, which consists of 246 single-family detached residential lots and 11 open space lots. The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 and Chapter 155 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their October 25, 2021 meeting and recommended approval with a vote of 6-0.

OR6. CONSIDER AN ORDINANCE AMENDING TITLE IX: GENERAL REGULATIONS OF THE CODE OF ORDINANCES, CHAPTER 98: PART 4: PIERS AND BOATHOUSES, SECTIONS 98.125 THRU 98.136.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The existing ordinance, established in 1964, establishes the requirements and regulations for boat docks and piers on Lake Pat Cleburne, which is out dated and may not be consistent with the current desires of the community. The proposed ordinance will reduce the number of future piers, docks, and boathouses; require a land usage agreement; make City Council

the approval body for future requests; grandfather/allow the existing structures; and require upkeep and maintenance of existing structures.

RS8. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH HOME RUN CONSTRUCTION, LLC FOR THE TRANSFER STATION IMPROVEMENTS – CITIZEN DROP-OFF AREA PROJECT IN AN AMOUNT OF \$338,737.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$381,000.00.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has determined that improvements are needed at the Transfer Station to increase efficiency of operation. The City engaged engineering services to provide design for the Citizen Drop-Off Area as part of these improvements. The project was posted and advertised for bidding beginning on September 15, 2021 with a bid opening on October 13, 2021. Four bids were received, with Home Run Construction, LLC being the apparent low offer.

Home Run Construction, LLC meets the minimum qualifications required by the contract documents and their total offer of \$338,737 is below the design engineer's opinion of probable construction cost of \$445,586. This project has an initial construction duration of 120 days. The proposed resolution will award the contract to Home Run Construction, LLC and authorize the City Manager to execute the contract documents and authorize the City Manager to utilize contingency funds in the amount of \$42,263.00 to execute change orders that may be required in order to complete the project. Funding for this contract is in the FY22 Budget, more specifically the General Fund in the amount of \$381,000. Additional equipment will be needed to streamline the process and improve the efficiencies of unloading the citizen drop off dumpsters. Any funding remaining upon completion of the construction is proposed to be allocated to new equipment, including, dumpsters and specialized dumpster handling equipment.

RS9. CONSIDER A RESOLUTION AFFIRMING THE CASTING OF VOTES IN THE 2022-2023 ELECTION OF THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF JOHNSON COUNTY, TEXAS.

Presented by: Ivy Peterson, City Secretary

Summary: Based on nominations the taxing entities submitted in October, the City of Cleburne has received an official ballot for the Council to vote by resolution and those candidates are: Don Beeson, Byron Black, Vance Castles, Toby Ford, Jeannie Prazak, Alicia Rosales, and Brenda Webb. The City is entitled to a total of 275 votes which can be cast for one or more candidates. Securing a candidate on the board requires at least 834 votes. The official ballot and resolution is to be submitted to the Executive Director before December 15, 2021.

RS10. CONSIDER A RESOLUTION AUTHORIZING A FINANCE AGREEMENT WITH GOVERNMENT CAPITAL CORPORATION FOR THE PURPOSE OF FINANCING \$745,173 TOWARD THE PURCHASE OF A FIRE TRUCK.

Presented by: Rhonda Daugherty, Director of Finance

Summary: This financing agreement is for the purchase of a Spartan 4-door custom cab 1500 gpm pump and necessary firefighting tools, nozzles, and fire hose. This vehicle is replacing Engine 3, which is over 11 years old. This vehicle is equipped with the latest aerial fire apparatus safety features and enhanced firefighting capabilities. Based on the Fire Department's vehicle requirements, this vehicle meets all the required specifications an action item authorizing the purchase is also included on this agenda.

During the FY2022 budget preparation, the option was discussed, and ultimately approved, to finance the purchase of the pumper truck to allow for the expansion of the fleet and improve operation capabilities. The funding allocation for the first year of the capital lease in the amount of \$211,000, approved in the FY2022 budget will be applied to the purchase, thereby reducing the total amount financed. This resolution also establishes City Council approval to finance the purchase of the pumper truck with Government Capital Corporation per the Finance Contract. The City of Cleburne has an interlocal agreement with Houston Galveston Area Council Cooperative (HGAC) which allows the City to utilize its purchasing contracts, therefore, all competitive purchasing requirements have been met.

BQ3. CONSIDER AUTHORIZING THE PURCHASE OF A FIRE ENGINE/PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC UTILIZING THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE CONTRACT FS12-19 FOR AN AMOUNT OF \$948,873 AND \$10,000 FOR ASSOCIATED VEHICLE EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$958,873.

Presented by: Scott Lail, Fire Chief

Summary: Staff is requesting approval to purchase a Spartan 4-door custom cab 1500 gpm pump and necessary firefighting tools, nozzles, and fire hose utilizing the Houston Galveston Area Council Cooperative (HGAC) Contract FS12-19 through Metro Fire Apparatus Specialists, Inc. for the amount of \$948,873.00. This vehicle will be used to replace Engine 3, which is currently over 11 years old. The vehicle is new and equipped with the latest fire apparatus safety features and enhanced firefighting capabilities. Based on the fire department's vehicle requirements, this vehicle meets all required specifications. Additional cost to equip this vehicle with communication and firefighting equipment will not exceed \$10,000. A 2006 reserve engine (Unit 01477069) will sold by auction when the new engine is place into service.

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. Discuss Wright Farms Municipal Utility District

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)

Section 551.074. Deliberation regarding Personnel Matters. The City Council may convene in executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

EXE3. Succession planning for City Management

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, November 5, 2021**, by **10:00 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.