



REGULAR CITY COUNCIL MEETING AGENDA
JULY 14, 2020 @ 5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

City Council meetings have reopened with social distancing protocols in place. A member of the public wishing to participate in the meeting may do so via the following options:

- 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 website (<https://www.cleburne.net/agendacenter>). 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 by 4:00 p.m. the same day and by 4:45 p.m. call [\(346\) 248-7799](tel:3462487799) 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
- ✓ Dr. Bob Kelly, 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 – Rev. Kenny Rigoulot, United Presbyterian Church

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- Presentation: Certificate of Recognition awarded to the Cleburne Police Department by the Texas Law Enforcement Best Practices Recognition Program - Rob Severance, Chief of Police
- Presentation: Financial Update - Troy Lestina, Director of Finance
- Presentation: Quarterly Economic Development Update - Grady Easdon, Economic Development Manager

CONSENT ITEMS

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 JUNE 23, 2020 REGULAR COUNCIL MEETING AND JUNE 30, 2020 SPECIAL COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION RENEWING THE COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING TAX ABATEMENT AGREEMENTS.

Person presenting this item: Grady Eason, Economic Development Manager

BRIEF: Tax Abatements have been shown to be an effective and oftentimes necessary tool in the recruitment and retention of commercial and industrial business due to the highly-competitive environment in attracting new business to Cleburne. The current policy was last updated in June of 2018, and Section 312.002 of the Tax Code requires renewal and adoption every two years.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH AVFUEL CORPORATION FOR AVIATION FUELING COMPONENTS.

Person presenting this item: Sharlette Wright, Airport Manager

BRIEF: The contract with EPIC Fuels for aviation fueling components and fuel purchasing has expired. A Request for Proposals (RFP #20-08) posted on April 28th and closed on May 28th using Public Purchase. Four proposals were received and evaluated by a committee of five and scores were tallied by Chantel Winfield, Purchasing Agent. Based on the evaluation and scoring provided, Ms. Winfield recommends that the Avfuel Corporation be awarded the contract for Aviation Fueling Components.

RS3. CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH CLEBURNE INDEPENDENT SCHOOL DISTRICT FOR USE OF THE AQUATIC FACILITY.

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

BRIEF: This interlocal agreement with the Cleburne ISD (CISD) for non-exclusive use of Splash Station. The initial term of this agreement is for one year (1), and will automatically renew for two (2) successive one (1) year terms. Within the agreement, CISD agrees to pay a maximum of fifty percent (50%) for the total cost of replacing two projects. In fiscal year 2020-2021, replacing light post for the dome (CISD maximum payment \$1,500) and in fiscal year 2021-2022, replacing the airlock door and revolving door for the dome (CISD maximum payment \$18,000).

RS4. CONSIDER A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH TRANSYSTEMS CORPORATION FOR THE DESIGN, BIDDING, AND BNSF COORDINATION ASSOCIATED WITH THE BNSF UTILITY RELOCATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$131,910.

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

BRIEF: This item is a professional services agreement with Transystems for the design, bidding, and BNSF coordination associated with the utility relocation project that is necessitated by BNSF Rail project in an amount not to exceed \$131,910.

The City of Cleburne was notified by BNSF Railway of their project, Rio Vista to Midway Double Track Improvements, that will install a new rail line in the existing railroad right-of-way. This project will affect the existing city owned utility crossings. Multiple utility conflicts have been identified that will need to be addressed by the City of Cleburne. Preliminary construction estimates for the required utility relocations are approximately \$1.5 million.

Staff contacted the engineering firm Transystems to provide design, bidding and BNSF coordination for the relocation, replacement, and/or extension of city facilities within the railway project limits. The BNSF construction project is scheduled to begin in early 2021. The city's relocation of utilities will need to be complete by late 2020 to meet the construction schedule. The total cost of the agreement shall not exceed \$131,910. Funding for the engineering design contract is included in the FY 2020 CIP (Fund 76) budget for BNSF Utility Relocation Project.

RS5. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE TEXAS VOLKSWAGEN ENVIRONMENTAL MITIGATION PROGRAM ACCEPTING GRANT FUNDS FOR REPLACEMENT OF VEHICLES.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: On February 28, 2020, the City submitted an application with the Texas Commission on Environmental Quality to apply for funds for the replacement of dump trucks via the Texas Volkswagen Environmental Mitigation Program, for the purpose of providing financial assistance for emissions reduction projects. On July 3, 2020, the City was notified that it had been awarded \$169,502 to assist in purchasing two replacement vehicles.

OR1. CONSIDER AN ORDINANCE RESCINDING BID AWARDED TO JUAN MENCHACA BY ORDINANCE #OR12-2018-97 ON DECEMBER 11, 2018 FOR RESALE PROPERTY LOCATED AT 501 EAST WILLINGHAM STREET AND AUTHORIZE PLACEMENT OF SAID PROPERTY ON THE JOHNSON COUNTY CONSTABLE'S OFFICE PUBLIC AUCTION ROSTER.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: Bids for seven resale properties were advertised and opened on October 18, 2019 and evaluated by the City's tax attorney Perdue, Fielder, Collins and Mott, LLP and City Staff. These bids were awarded to the highest bidder on December 11, 2018 by OR12-2018-97. After many

attempts to complete the sale for the property located at 501 East Willingham Street, including a certified letter setting a deadline of May 21, 2020. Staff recommends rescinding the original bid award from Juan Menchaca for \$5,000.00 and returning to the property to public resale. The tax attorneys representing the City of Cleburne are authorized to present this certain tract of real estate to the Johnson County Constable for Public Resale pursuant to Texas Property Tax Code Section 34.05(c).

- **501 East Willingham Street**, Lot 1 Block 277, Original Cleburne, CAD #126.2800.16350, Cause #T201400397 on November 20, 2015

Since this property is not a buildable lot being approximately 3200 sq ft, but valuable to the adjacent property owners, staff recommends no development requirements for this resale. Staff also recommends that our tax attorneys and the Johnson County Constable set a minimum bid. In an effort to return this lot to productive use, Staff also recommends that the Constable receive priority consideration with regard to disbursements from the resale and that the City release all liens and encumbrances upon receipt of funds, if any, as a result of the resale. The city demolished a structure in 1990 and have been mowing this property consistently since 2001. The total amount held by the City for maintenance fees since the tax auction struck off date is \$4,214.53.

OC1. CONSIDER APPOINTMENTS AND REAPPOINTMENTS OF MEMBERS TO BOARDS AND COMMISSIONS.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: At such time when members’ terms expire or vacancies occur on City boards, the Board & Commission Recommendation Committee convenes to review applications of potential candidates for the Council’s consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community. The candidates listed below have been contacted and are willing to serve a two-year term beginning July 2020 thru June 2022 with the exception of the Civil Service appointment that will serve a three-year term (July 2020 – June 2023). The Committee respectfully recommends the following appointments for your consideration.

BOARD/COMMISSION	RECOMMENDATIONS	APPOINT/ REAPPOINT	Term #
Civil Service	Francisco Aguero	Appointment	1
Museum	Teresa Ferens	Appointment	1
Museum	Linda Burt Wallace	Appointment	1
Planning & Zoning	Vance Castles	Appointment	1
Animal Shelter	Kathy McClelland	Reappointment	2
Cemetery	John Warren	Reappointment	2
Library	Sharon Corder	Reappointment	2
Library	Joyce Petross	Reappointment	2
Library	Ronald Shultz	Reappointment	2
Parks & Recreation	Brain Goodman	Reappointment	2

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Planning & Zoning	Albert Archer Sr	Reappointment	2
TIF#1	Rick Bailey - Johnson County	Reappointment	3
TIF#1	Roger Harmon - County	Reappointment	8
TIF#3	Rick Bailey - County	Reappointment	4
TIF#3	Scott Cain - City	Reappointment	3
TIF#3	Roger Harmon - County	Reappointment	4
TIF#2	Dr Robert Kelly - City	Reappointment	3
Type A EDC	Dr. Robert Kelly - City	Reappointment	3
Zoning Board of Adjustment	Julie V Hammond	Reappointment	2

RESOLUTIONS

RS6. CONSIDER A RESOLUTION SUPPORTING THE TEXAS POLICE CHIEFS ASSOCIATION'S TEXAS LAW ENFORCEMENT BEST PRACTICES RECOGNITION PROGRAM FOR IMPLEMENTING NEW STANDARDS TO ENHANCE CITIZEN CONFIDENCE IN LAW ENFORCEMENT PRACTICES.

Person presenting this item: Rob Severance, Chief of Police

BRIEF: The death of George Floyd at the hands of four Minneapolis, Minnesota, police officers has focused national attention on law enforcement practices involving the use of force. The Cleburne Police Department is one of 167 agencies that have been awarded a Certificate of Recognition by the Texas Police Chiefs Association's Texas Law Enforcement Best Practices Recognition Program. In response to President Trump's Executive Order on Safe Policing for Safe Communities, the Recognition Program immediately implemented two new standards addressing duty to intervene and unauthorized use of force. These standards require every employee, regardless of rank, to intervene and prevent the use of excessive force, including choke holds and carotid artery neck restraints, and to make a written report to a supervisor of any observed use of excessive force.

RS7. CONSIDER A RESOLUTION AUTHORIZING AN ELECTION SERVICES AGREEMENT WITH JOHNSON COUNTY FOR THE ADMINISTRATION OF THE CITY OF CLEBURNE'S 2020 GENERAL ELECTION.

Person presenting this item: Ivy Peterson, City Secretary/Elections Administrator

BRIEF: The City of Cleburne holds its General Election in May each year for electing its governing body. On March 18, 2020, Governor Greg Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general elections to November 3, 2020 due to public health and safety concerns related to the novel coronavirus (COVID-19). Pursuant to the Governor's direction and the Secretary of State Elections Division, the City Council on March 24th, by Resolution RS03-2020-38, postponed its general election to November 3rd in order to protect the health and safety of the citizens of Cleburne.

The Johnson County Elections Office is also conducting a general election on November 3rd that includes county local, state and federal races. The County Elections Administrator (County EA) has provided a contract for the administration of the City's election in correlation with theirs. Since it is required that we share polling places with the County in all voting precincts within the City of Cleburne (8 locations), it is staff's recommendation to contract with the County for this election, but there are a couple options to consider. The Elections Administrator provided two quotes for conducting the City's election:

- 1) Shared Ballot – The City races for Mayor, SMD 1 Councilmember, and SMD4 Councilmember would be listed on the ballot with the local county, state and federal candidates. This shared ballot would need to be available at all eight (8) early voting locations countywide and at the eight (8) election day locations within the City of Cleburne.
- 2) Separate Ballot – The City of Cleburne's ballot would only contain City races and be formatted like it normally does for its May election. This ballot would be available to voters at two (2) early voting locations (Conference Center and Johnson County Elections Office on S Walnut St) as well as the eight (8) election day polling places.

There are other political subdivisions holding an election in November and the more that participate in contracting with the County EA, the more cost sharing each participant will receive. At the time the quotes were provided, they had not yet received confirmation requesting a contract. Since then, approximately 11 political subdivisions have indicated a desire to contract utilizing a separate ballot, but are waiting for approval of their governing body.

ORDINANCE

PUBLIC HEARING

OR2. CONSIDER AN ORDINANCE REZONING ±0.64 ACRES FROM C3 (COMMERCIAL DISTRICT) AND MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO C3 (COMMERCIAL DISTRICT), LOCATED AT 107 BATTERSON STREET, AS REQUESTED BY GERARDO VILLALOBOS, CASE ZC20-009.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant has requested to rezone approximately 0.64 acres from C3 (Commercial District) and MF (Multiple-Family Housing District) to C3 (Commercial District) located at 107 Batterson Street. There is an existing building on the subject property, located within the portion zoned in the C3 District, that has been used for various commercial businesses. The applicant is requesting to rezone the back portion of the property, currently zoned in the MF District, to the C3 District in order to utilize the entire property for commercial purposes.

The properties to the west and southwest are similarly zoned the C3 District, the properties to the north and south are zoned in the MF District and the property to the east is zoned the SF-4 District. In the immediate vicinity, there are a mixture of uses, including commercial businesses to the west and southwest, single-family homes to the north and east, and a multi-family complex to the south.

The Future Land Use Plan shows this property to be located in the Preservation District, whose purpose is to stabilize property values in the older neighborhoods. The proposed rezone request is considered an appropriate use within this district.

A total of seventeen (17) property owners within 200 feet were notified. Staff did not receive any responses in support of or in opposition to this request. The Planning and Zoning Commission considered this request at their June 22, 2020 meeting and recommended approval by a vote of 4-0.

****PUBLIC HEARING****

OR3. CONSIDER AN ORDINANCE REZONING ±34.58 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF BLAKNEY STREET AND CEDAR STREET, EAST OF TREMONT STREET AND NORTH OF MANSFIELD ROAD, AS REQUESTED BY J FOX INVESTMENTS, INC, CASE ZC20-010.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant has requested to rezone approximately 34.58 acres from IH (Interim Holding District) to SF-4 (Single-Family Dwelling District) located near the southeast intersection of Blakney Street and Cedar Street, east of Tremont Street and north of Mansfield Road.

The applicant requested a voluntary annexation to include the subject property into the City Limits. At the December 10, 2019 meeting, City Council voted 5-0 to approve the request. The property, upon being annexed, was given a zoning designation of the IH (Interim Holding District) until such time that the applicant was ready to move forward with developing the property. The applicant has indicated their intent to construct a single-family residential development on the subject property.

The applicant has submitted a final plat (Case PC20-015 – Fox Meadow Addition) for the subject property for nine (9) single-family residential lots and one (1) block to be subdivided in future phases for single-family development. This final plat is being considered concurrently with the rezoning request. The properties to the west are zoned SF-4 District and consist of several single-family homes. The property to the northwest is zoned MF (Multiple-Family Housing District) and is currently undeveloped. The properties to the northeast, south and east are located within the City's Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan shows this property to be located in the Traditional Neighborhoods and City Center East Districts. The proposed rezoning request for single-family development is considered an appropriate use within these districts.

A total of twenty-six (26) property owners within 200 feet were notified. Staff did not receive any responses in support of or in opposition to this request. The Planning and Zoning Commission considered this request at their June 22, 2020 meeting and recommended approval by a vote of 4-0.

****PUBLIC HEARING****

OR4. CONSIDER AN ORDINANCE REZONING ±27.812 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED APPROXIMATELY 1,500 FEET WEST OF NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE; AS REQUESTED BY RW GOSSETT, REPRESENTED BY MICHAEL VARRICHIO, CASE ZC20-003.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: At the June 23, 2020 City Council meeting, the applicant requested to continue this item to the July 14, 2020 meeting to allow time to address questions and concerns presented by Councilmembers at the meeting. Following this meeting, the applicant updated the Development Plan to include the following changes:

- Min. Square Footage: Minimum 1,400 square feet
 - 75% of homes to be greater than 1,550 square feet
- Min. % Masonry: 60% Masonry
 - Only rear to have non-masonry material. Front and sides to be masonry

OTHER COUNCIL

OC2. CONSIDER A FINAL PLAT OF LOTS 1, 2, 15, AND 16, BLOCK 1; LOTS 1 THROUGH 4, BLOCK 2; LOT 1, BLOCK 5 AND BLOCK 6, OF FOX MEADOW ADDITION, BEING ±41.414 ACRES OF LAND, GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF BLAKNEY STREET AND CEDAR STREET, EAST OF TREMONT STREET AND NORTH OF MANSFIELD ROAD, AS REQUESTED BY J FOX INVESTMENTS, INC, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC20-015.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant is requesting approval of a final plat for nine (9) single-family residential lots for the Fox Meadow Addition. The applicant has indicated that Block 6, approximately 39.057 acres in size, will be subdivided in separate phases for single-family development in the future.

The applicant requested a voluntary annexation to incorporate approximately 35 acres of the subject property into the City Limits. At the December 10, 2019 meeting, City Council voted 5-0 to approve the request. The property, upon being annexed, was given a zoning designation of IH (Interim Holding District) until such time that the applicant was ready to move forward with developing the property. The subject property is currently zoned SF-4 (Single-Family Dwelling District) and IH (Interim Holding District). The applicant has submitted a rezoning request (Case ZC20-010) to the SF-4 (Single-Family Dwelling District) for the property recently annexed into the City Limits.

In order to expedite the development process, the rezoning request is being considered concurrently with the final plat submittal. Should the rezoning request be approved, all lots will comply with the SF-4 District. Should the rezoning request be denied, Lot 1, Block 5 would not comply with the existing IH (Interim Holding District) regulations, specifically the minimum lot area requirement of 20,000 square feet. Therefore, the plat would need to move forward with a recommendation of denial to the City Council.

The properties to the west are zoned SF-4 District and consist of several single-family homes. The property to the northwest is zoned MF (Multiple-Family Housing District) and is currently undeveloped. The properties to the northeast, south and east are located within the City's Extraterritorial Jurisdiction (ETJ). The final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their June 22, 2020 meeting and recommended approval by a vote of 4-0.

OC3. CONSIDER A PRELIMINARY PLAT OF LOT 1, BLOCK 1, OF HUNT CLEBURNE ADDITION, BEING ±13.162 ACRES OF LAND, LOCATED APPROXIMATELY 640 FEET SOUTH OF WEST HENDERSON STREET AND ON THE SOUTH SIDE OF MAYFIELD PARKWAY, AS REQUESTED BY MAYFIELD FAMILY LP, REPRESENTED BY CROSS ENGINEERING CONSULTANTS, CASE PC20-016.

Person presenting this item: Shane Pace, Executive Director of Development Services

BRIEF: The applicant is requesting approval of a preliminary plat for Lot 1, Block 1, of the Hunt Cleburne Addition. The lot is approximately 13.162 acres in size and the applicant is proposing to construct a multi-family development.

On February 11, 2020, City Council approved a rezoning request for the MF (Multiple-Family Housing District) for approximately 3.451 acres of the subject property, specifically for the portion along Mayfield Parkway. The property immediately south of the 3.451 acres was already zoned in the MF District. The approval of this rezoning request will allow the applicant to develop the entirety of the subject property for a multi-family development.

The property is adjacent to Hill College to the north and is surrounded by several undeveloped tracts of land. The properties to the north and west are zoned the C2 (General Business District), while the property to the east is zoned the D (Duplex District) and the property to the south is zoned the SF-4 District.

The preliminary plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their June 22, 2020 meeting and recommended approval by a vote of 4-0.

EXECUTIVE SESSION

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.**

A. § 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.

1. Legal advice regarding City oil and gas leases, municipal regulation of oil and gas matters, and settlement negotiations with Chesapeake Energy and Total E&P USA, et al – Steve Polasek, City Manager
2. Discuss Municipal Utility District – Chris Fuller, Deputy City Manager

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

ADJOURNMENT

ADJOURNED AT:

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 **July 10, 2020**, 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, 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.