



CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 12, 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 guidelines in place as a continued response to the COVID-19 health emergency. Members of the council, city staff, and the public were given an opportunity to participate in person or by teleconference.

I. ROLL CALL AND CALL TO ORDER BY MAYOR @5:00 PM

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 Dr Ron Shultz, Bethel Temple Assembly of God

III. PLEDGE OF ALLEGIANCE

~~IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain waived the reading of the guidelines until such a time as necessary

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. COVID-19 Vaccination Update – Scott Lail, Fire Chief

Chief Lail gave an overview of the vaccination process and the administration of the 500 Moderna doses provided by the state in late December for those in Tier 1A. He advised that the State is setting up Community Vaccination Hubs that will be available for the public as doses become available. Updates will be provided on the City’s website and social media outlets.

CONSENT ITEMS

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and were enacted with one motion with the exception of RS5.

MN1. CONSIDER MINUTES FOR THE DECEMBER 8, 2020 REGULAR COUNCIL MEETING.

RS1. RS01-2021-01 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JANUARY 26, 2021.

Presented by: Steve Polasek, City Manager

SUMMARY: On March 13, 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 Declaration to the next regular council meeting date of January 26, 2021 at 11:59 p.m. central standard time.

RS2. RS01-2021-02 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH NOUVEAU CONSTRUCTION AND TECHNOLOGY SERVICES, LP TO REPLACE OVERHEAD DOORS AT THREE FIRE STATIONS FOR AN AMOUNT NOT TO EXCEED \$76,250.00.

Presented by: Scott Lail, Fire Chief

SUMMARY: Sealed bids were solicited for the replacement of (9) nine overhead doors at Fire Stations #1, #2, and #3 (rear doors only). Bids were received from three (3) vendors and are depicted in the backup. The lowest, most responsible bid was Nouveau Construction and Technology Services, LP in the amount of \$76,250.00.

RS3. RS01-2021-03 CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BURKETT PROPERTIES FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 209 EAST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Tom Burkett has submitted an application under the terms of the City’s Façade Improvement program seeking funding for upgrades and enhancements to exterior street-facing facades on his property located at 209 East Henderson Street. Repairs and upgrades include removal of exterior stucco, either re-facing or point & tuck the brick exterior façade, repair the existing awning, installation of electric for a lighted sign, and exterior painting. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is approximately \$10,000.00; therefore \$5,000 would be the maximum match by the City.

RS4. RS01-2021-04 CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BURKETT PROPERTIES FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 211 EAST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Tom Burkett has submitted an application under the terms of the City's Façade Improvement program seeking funding for upgrades and enhancements to exterior street-facing facades on his property located at 211 East Henderson Street. Repairs and upgrades include removal of exterior stucco, either re-facing or point & tuck the brick exterior façade, repair the existing awning, installation of electric for a lighted sign, and exterior painting. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is approximately \$10,000.00; therefore \$5,000 would be the maximum match by the City.

RS5. *Pulled from the Consent Agenda to be considered separately.*

CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH NATHAN MAYFIELD CO, INC DBA DAIRY QUEEN FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 901 WEST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$685.

RS6. RS01-2021-05 CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LAW OFFICE OF ROBERT WARD FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 103 WEST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Robert Ward has submitted an application under the terms of the City's Façade Improvement program seeking funding for upgrades and enhancements to exterior street-facing facades on his property located at 103 West Henderson Street. Repairs and upgrades include installation of a new thermal bronze storefront consisting of new entry doors and installation of new windows. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is approximately \$10,304.33; therefore \$5,000.00 would be the maximum match by the City.

RS7. RS01-2021-06 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH PUBLIC MANAGEMENT, INC FOR ADMINISTRATIVE SERVICES ASSOCIATED WITH THE APPLICATION AND MANAGEMENT OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: A Texas Community Block Development Grant opportunity is available this Spring through the Texas Department of Agriculture. The grant award maximum is \$350,000, with a 20% City match requirement. The funds may be used for various infrastructure improvements including water, sewer, drainage or roadway improvements. The first step in applying for the grant is solicitation for administrative/planning services of a company from the approved vendor list for grant administrative services.

Staff issued the required Request for Proposal to three (3) firms from the list, and received two (2) proposals by the December 30th deadline. The proposals were evaluated by a three-member

selection team, as required. Based on this evaluation, contract award is recommended to Public Management, Inc. of Granbury, Texas.

The consultant, Public Management, Inc., will assist the City in making application, providing help with the required public meetings, project selection, project maps, environmental compliance documents, and project review auditing. There is no fee charged for preparing the application. If the grant is awarded, the consultant will oversee the administrative requirements of the grant related to schedule, record keeping, financial management, labor standards monitoring, construction management and more. The charge for these services is a not-to-exceed fee based on the award amount. Since the maximum grant award is \$350,000, the maximum base fee for this contract will be \$35,000. If grant award is less than \$350,000, the contract amount will be reduced based on the fee schedule provided in page 6 of the attached Contract.

A project has not yet been selected for the grant request. Block Grant requirements must be based on and benefit the specific block area they serve. Staff will work with the consultant to find a project that will best meet the application requirements.

A public hearing is required to take public input on the City’s intent to apply for this funding. That hearing has been scheduled to begin at 5:05 p.m. this Thursday, January 14th, in Council Chambers. The public is welcome to attend and provide any feedback or ask questions regarding the funding opportunity.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2020.

Presented by: Marcie Freelen, Acting Director of Finance

MOTION: to approve with the exception of RS5 to be considered separately

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers			X				Approved as presented
Boedeker	X		X				X Approved as amended
Mann			X				Denied
Warren		X	X				Withdrawn
Cain			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ITEMS PULLED FROM CONSENT

RS5. RS01-2021-07 CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH NATHAN MAYFIELD CO, INC DBA DAIRY QUEEN FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 901 WEST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$685.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Nathan Mayfield has submitted an application under the terms of the City’s Façade Improvement program seeking funding for parking lot enhancements to his property located at 901 West Henderson Street, known as Dairy Queen. Upgrades include installation of parking stops

for the 20 parking spaces that face Holloway Street as a deterrent to drivers attempting to cross the Dairy Queen parking lot to reach the recently opened Chick-Fil-A restaurant. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is \$1,368.78, allowing for a reimbursement of \$685.00.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker		X	X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain				X				Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RESOLUTIONS

RS8. RS01-2021-08 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF REMINGTON RIDGE PHASE IV, BEING ±27.081 ACRES, GENERALLY LOCATED WEST OF NORTH NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE; AS REQUESTED BY FV DEVELOPMENT II, LLC, REPRESENTED BY BANNISTER ENGINEERING, LLC, CASE PC20-047.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the preliminary plat for Remington Ridge Phase IV, a proposed residential subdivision comprised of 126 single-family residential lots and two (2) open space lots. The preliminary plat meets all of the minimum requirements as outlined in PD OR07-2020-40 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

Proponent Mr. Remington Wheat was available via teleconference should the Council have questions.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RS9. RS01-2021-09 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF HIDDEN VILLAGE, BEING ±12.953 ACRES, LOCATED AT 1401 NORTH MAIN STREET; AS REQUESTED BY MORROW DEVELOPMENT, LLC, REPRESENTED BY BANNISTER ENGINEERING, LLC, CASE PC20-048.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the final plat for Hidden Village, a proposed residential subdivision comprised of 75 single-family residential lots. The final plat meets all of the minimum requirements as outlined in PD OR10-2019-66 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

Proponent Mr. Remington Wheat was available via teleconference should the Council have questions.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS10. RS01-2021-10 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF TRAIL CREEK ADDITION, BEING ±38.376 ACRES, GENERALLY LOCATED NORTH OF MANN COURT, SOUTH OF MIMOSA STREET AND WEST OF GRAND AVENUE; AS REQUESTED BY XR DEVELOPMENT, LLC, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC20-049.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the preliminary plat for Trail Creek Addition, a proposed residential subdivision comprised of 140 single-family detached lots, 22 single-family attached lots and a 7.063-acre tract (Lot 1, Block 9) to be dedicated to the City of Cleburne as a future public park. The preliminary plat meets all of the minimum requirements as outlined in PD OR08-2020-45 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

Representative with XR Development, LLC was available via teleconference should the Council have questions.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RS11. RS01-2021-11 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LOT 1, BLOCK 1R OF CLEBURNE STATION, BEING ±1.152 ACRES, LOCATED AT THE NORTHEAST CORNER OF NORTH NOLAN RIVER ROAD AND CLEBURNE STATION PARKWAY; AS REQUESTED BY CLEBURNE STATION INVESTMENTS, LP, REPRESENTED BY CLAYMOORE ENGINEERING, CASE PC20-050.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the final plat for Lot 1, Block 1R, of Cleburne Station, for a proposed convenience store with gasoline sales.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended conditional approval with a vote of 6-0 with the following condition:

1. Prior to filing the plat for recordation at the Johnson County Clerk’s office, include the county filing information on the face of the plat for all easements dedicated via separate instrument.

Following the 12/14 Planning and Zoning Commission meeting, the applicant has submitted a revised plat exhibit meeting the condition as outlined above. The revised plat exhibit is included in the attachments for this agenda item. As such, this plat now meets all of the requirements as outlined in Chapter 154 of the Code of Ordinances.

Proponent Mr. Drew Donosky with Claymoore Engineering was available via teleconference and offered comments in response to the Councils’ stated concerns on the progress and type of development for Cleburne Station.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain				X				Postponed until:
X	Motion Carried		Motion Failed					Roll Call

RS12. RS01-2021-12 CONSIDER A RESOLUTION APPROVING THE MINOR REPLAT OF LOTS 6R – 9R, BLOCK 11 OF MORGAN’S ADDITION, BEING ±0.585 ACRES, LOCATED AT 1300 - 1312 NORTH BRAZOS AVENUE; AS REQUESTED BY AMERITEX HOMES, LLC, REPRESENTED BY DANIEL ZARATE, CASE PC20-051.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the minor replat of Lots 6R – 9R, Block 11 of Morgan’s Addition for future residential development of four (4) lots. Approval authority for minor replats is given to staff, however, given that the applicant requested and received variances from the Zoning Board of Adjustment, the minor replat is required to be approved by the Planning and Zoning Commission and City Council. The minor replat 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 December 14, 2020 meeting and recommended approval with a vote of 6-0.

Proponent Mr. Daniel Zarate was available via teleconference should the Council have questions.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers	X		X				X Approved as presented
Boedeker		X	X				Approved as amended
Mann			X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ORDINANCES

OR1. OR01-2021-00 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.92 ACRES FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), LOCATED AT 2221 PIPELINE ROAD, AS REQUESTED BY TYLER BATES, CASE ZC20-026.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant has requested to rezone approximately 0.92 acres from M2 (Heavy Industrial District) to MF (Multiple-Family Housing District) located at 2221 Pipeline Road. The applicant has indicated their intent to construct a multi-family development on the subject property.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended denial by a vote of 6-0. The recommendation of denial requires a supermajority vote for approval by City Council.

Mayor Cain opened the public hearing allowing for public comment. There were no speakers and the public hearing was closed.

MOTION: to deny

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X					Approved as presented
Boedeker			X					Approved as amended
Mann			X				X	Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OR2. OR01-2021-01 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.47 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT), LOCATED AT 706 AND 708 SOUTH BRAZOS AVENUE; AS REQUESTED BY Y & M INVESTMENTS, LLC, REPRESENTED BY MARTHA MIRANDA, CASE ZC20-027.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant has requested to rezone approximately 0.47 acres from M1 (Light Industrial District) to D (Duplex or Two-Family Dwelling District) located at 706 and 708 South Brazos Avenue. The applicant has indicated their intent to build a duplex on each lot.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval by a vote of 6-0.

Proponent Mrs. Martha Miranda was available should the Council have questions.

Mayor Cain opened the public hearing allowing for public comment. There were no speakers and the public hearing was closed.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OR3. OR01-2021-02 CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 157: MANAGEMENT OF THE RIGHT-OF-WAY, OF THE CODE OF ORDINANCES, CREATING A NEW SECTION 157.17: RIGHT-OF-WAY, ALLEY AND EASEMENT ABANDONMENT.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: There is not currently a section in the Code of Ordinances regarding abandonment of City easements, alleys, and rights-of-way. Proposed Section 157.17 will establish a guideline and process to follow when the City receives a request to abandon easements, alleys or rights-of-way.

The Council directed staff to include in Staff’s administration procedures a notification process to the Johnson County Central Appraisal District to ensure property boundaries are updated following applications under this process.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker			X					Approved as amended
Mann		X	X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OTHER COUNCIL MATTERS

OC2. PRESENTATION AND UPDATE ON THE WASTEWATER TREATMENT PLANT EXPANSION AND REUSE PIPELINE PROJECTS.

Presented by: Jeremy Hutt, Director of Public Works

The final design of the wastewater treatment plant expansion has been completed. The bidding phase has begun with a bid opening scheduled for February 11th. The construction phase is estimated to begin March 17th.

The West Reuse Pump Station and Pipeline project will allow for an initial 2 million gallons per day (GPD) of treated reuse water to be deposited into Lake Pat Cleburne, expanding the available raw water supply. This project is still in the design and easement acquisition phase. The bid process is anticipated to begin mid 2021 and construction phase late 2021. An alternate outfall location at the lake (Location “B”) was presented to Council detailing the benefits including maximizing the capacity of the pipeline (6 million GPD).

No action was taken by the Council.

OC3. DISCUSS AND RECEIVE LEGAL OPINION CONCERNING THE DISPLAY OF PROFANITY ON FLAGS OR SIGNAGE.

Presented by: Ashley Dierker, City Attorney

At the prompting of citizen complaints, Mayor Cain requested the City Attorney provide a legal opinion regarding the display of profane content on flags or signage within the city. Mrs. Dierker offered a brief overview stating there is not much a municipality can do to curtail obscene content without it being challenged under the 1st Amendment.

Mayor Cain encouraged good community standards and to be mindful of impressionable children and young people. He encouraged citizens, neighbors and businesses alike to be decent and respectful for the benefit of the community as a whole.

No action was taken by the Council.

EXECUTIVE SESSION

The Regular Council Meeting recessed at 6:35 PM to discuss items legally posted in Executive Session.

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. Cause no. DC-C201900937; RT General, LLC v. City of Cleburne / Case No. 10-20-0037-CV; City of Cleburne v. RT General, LLC – Steve Polasek, City Manager
- EXE2. Legal advice regarding Developer Participation Agreement with Cleburne OZF, LLC related to the development of the Live Oaks Apartments – Jeremy Hutt, Director of Public Works

Mayor Cain adjourned the closed meeting and reconvened into open session at 7:10 PM for action resulting from items posted and legally discussed in Executive Session.

RS13. RS01-2021-13 CONSIDER A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF CLEBURNE, TEXAS AND RT GENERAL, LLC WITH REGARD TO LITIGATION RESULTING FROM THE LEASE AGREEMENT FOR HANGER 98; PROVIDING AN EFFECTIVE DATE.

MOTION: to approve the settlement agreement as discussed in executive session and authorizing the Mayor to sign the necessary documents that affect the settlement agreement with RT General, LLC

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann			X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OR4. OR01-2021-03 CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2020 TO SEPTEMBER 30, 2021 (#4)

BY APPROPRIATING \$465,000 FROM UNRESERVED FUND BALANCE IN THE GENERAL FUND.

Presented by: Steve Polasek, City Manager

SUMMARY: The City of Cleburne has been in litigation with regard to a lease agreement for Hanger 98 between the City and RT General, LLC. In an effort to avoid trial costs, return control of the facility to the City, and compensate RT General, LLC for their improvements made to the hanger and lost income due to a termination of the lease, both parties agreed to a settlement whereby the City would pay RT General, LLC and their attorney Hill Gilstrap, PC the amount of \$465,000.

The proposed General Fund budget amendment in the amount of \$465,000.00 will revise the total adopted General Fund budget of \$40,894,733.30 (Ordinance OR11-2020-69) to \$41,359,733.30.

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			X				X	Approved as presented
Boedeker		X	X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

ADJOURNMENT

ADJOURNED AT: 7:12 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JANUARY 26, 2021