



CITY COUNCIL REGULAR MEETING MINUTES
JANUARY 25, 2022 @ 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 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
- X 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 Associate Pastor Devin Peterson, Bethel Temple Assembly of God

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
The Mayor waived the reading of the guidelines to speak until such a time is necessary.

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda. There were no speakers.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. Presentation – Cleburne Chamber of Commerce and Convention and Visitor Borough Update

Tara Janszen, President of the Chamber and CVB, provided an update on the highlights the Chamber has had, spanning from the Hispanic Business Alliance and the Women’s Leadership Group to many additional accomplishments and exciting new adventures coming with the New Year.

CMP2. Presentation – Quarterly Economic Development Update, Grady Easdon, Economic Development Manager

Mr. Easdon gave the 4th quarterly update for 2021 highlighting the increasing growth of commercial and residential development, supply chain and labor issues still lingering, hospitality industry slowly improving, as well as the number of unemployment going back down.

CMP3. Presentation – Public Works Projects Update, Jeremy Hutt, Director of Public Works
Mr. Hutt provided an update on public works projects that were completed in 2021, and what is continuing into and beginning in the 2022 year.

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.

MN1. CONSIDER MINUTES FOR THE JANUARY 11, 2022 REGULAR COUNCIL MEETING.

RS1. RS01-2022-09 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL FEBRUARY 8, 2022.

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 February 8, 2022 at 11:59 p.m. central standard time.

RS2. RS01-2022-10 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH KR HOMES, LLC TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES UP TO A MAXIMUM OF \$4,000 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 890 SABINE AVENUE.

Presented by: Grady Easdon, Economic Development Manager

Summary: KR Homes, LLC has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020 meeting, and renewed as part of the Fiscal Year 2022 budget that was adopted at the September 14, 2021 meeting. The applicant’s approximate investment will be \$135,000 for a 1,485 square foot home to be constructed at 890 Sabine Avenue. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council

consideration. Should this request be approved, there will be \$36,000 in funding remaining for future projects under this program.

RS3. RS01-2022-11 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH PRESCHER CUSTOM HOMES TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES UP TO A MAXIMUM OF \$4,000 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 202 HOLLINGSWORTH STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Prescher Custom Homes has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020 City Council Meeting and renewed as part of the Fiscal Year 2022 budget that was adopted at the September 14, 2021 meeting. The applicant's approximate investment will be \$185,000 for a 1,220 square foot home to be constructed at 202 Hollingsworth Street. This is one of the many "infill lots" in Cleburne that have been acquired by builders or developers. As part of the Program, the builder must meet certain design and development standards and other criteria in order to qualify for reimbursement of these fees. Based upon a copy of the application documents and building plans submitted, the project meets the required criteria for Council consideration. Should this request be approved, there will be \$32,000 in funding remaining for future projects under this program.

RS4. RS01-2022-12 CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR MUTUAL ACCESS TO CLOUDLIBRARY DIGITAL RESOURCES WITH THE TEXAS CLOUDLINK GROUP.

Presented by: Tina Dunham, Library Director

Summary: CloudLibrary is a new digital platform for eBooks and eAudiobooks made available by membership in The Texas Cloudlink Group. Cleburne Public Library will share digital resources with forty-five other libraries thru this Interlocal Agreement. This new resource will increase availability of digital titles for library patrons.

OR1. OR01-2022-09 CONSIDER AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET (#2) BY APPROPRIATING \$29,950 TO THE 4B ECONOMIC DEVELOPMENT CORPORATION FUND #9 FOR A SOUND SYSTEM AT BOOKER T. WASHINGTON COMMUNITY & RECREATION CENTER.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Staff is requesting a budget amendment to the capital appropriations in the 4B Economic Development Corporation budget for a sound system approved by the 4B Board of Directors at their meeting on August 12, 2021. The sound system was erroneously omitted from the City of Cleburne's FY 2022 budget document presented to council for approval. This additional appropriation will provide the funding as intended by the city staff and adopted by the 4B Board of Directors at their meeting.

The proposed budget amendment in the amount of \$29,950 will revise the total adopted 4B budget of \$3,916,507 (Ordinance OR09-2021-45) to \$3,946,457, funded with 4B fund reserves.

RS5. RS01-2022-13 CONSIDER A RESOLUTION AUTHORIZING MEMBERSHIP WITH TEXBUY THROUGH AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH REGION 16 EDUCATION SERVICE CENTER.

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City of Cleburne desires to utilize cooperative purchasing through TexBuy 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. TexBuy is a statewide purchasing cooperative hosted by Region 16 Education Service Center in Amarillo, Texas. TexBuy is the Texas representative of the national purchasing organization AEPA (Association of Educational Purchasing Agencies). Many of the awarded contracts offered through TexBuy were solicited nationally by AEPA, providing the most competitive pricing available. All competitive purchasing requirements are satisfied by utilizing cooperative purchasing through organizations such as TexBuy.

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X				X	Approved as presented
Boedeker						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>

ACTION AGENDA

OR2. OR01-2022-10 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±34.19 ACRES FROM IH (INTERIM HOLDING DISTRICT) AND M2 (HEAVY INDUSTRIAL DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), LOCATED AT 3604 AND 3740 WEATHERFORD HIGHWAY, AS REQUESTED BY AMS RAILROAD LOGISTICS, REPRESENTED BY TRANS TEXAS SURVEYING, CASE ZC21-031.

Presented by: David Jones, Community Development Director

Summary: The applicant has requested to rezone approximately 34.19 acres from IH (Interim Holding District) and M2 (Heavy Industrial District) to M2 (Heavy Industrial District) for the properties located at 3604 and 3740 Weatherford Highway. The applicant has indicated their intent to rezone the subject property for future industrial development.

The Planning and Zoning Commission considered this request at their January 10, 2022 meeting and recommended approval with a vote of 7-0.

A representative of Trans Texas Surveying was available should the Council have questions.

Mayor Cain opened the public hearing 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	Approved as presented
Boedeker						X		Approved as amended
Mann	X		X					Denied
Warren		X	X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS6. RS01-2022-14 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF DUKE HILL ESTATES, AN ADDITION TO THE EXTRATERRITORIAL JURISDICTION, BEING ±15.049 ACRES, GENERALLY LOCATED NEAR THE SOUTHWEST INTERSECTION OF FM 2135 AND COUNTY ROAD 312, AS REQUESTED BY Q9 TX RE ACQUISITION HOLDINGS I LLC, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC21-059.

Presented by: David Jones, Community Development Director

Summary: The applicant is requesting approval of the final plat for Duke Hill Estates, which consists of seven (7) residential lots, generally located near the southwest intersection of FM 2135 and County Road 312, 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 January 10, 2022 meeting and recommended approval with a vote of 7-0.

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					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

RS7. RS01-2022-15 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH MOTOROLA SOLUTIONS FOR THE LEASE-PURCHASE OF A THREE-POSITION MOTOROLA RADIO DISPATCH CONSOLE SYSTEM, FOR AN AMOUNT NOT TO EXCEED \$949,476.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: The system will be a lease/purchase that will replace the current 15-year old console system that is beyond its end of life. The purchase includes installation of three console positions, a logging recorder for phones and radios, and training.

The lease/purchase will be paid in five equal annual payments of \$141,878, totaling \$709,386, with the first payment due February 1, 2023 and the last payment due February 1, 2027 and there is no penalty for early payoff. In addition to the five annual lease/purchase payments there are annual recurring maintenance costs that total \$240,090 in Fiscal Years 2023-2027. The cost of the lease/purchase and ongoing maintenance costs is \$949,476. Anticipated completion is summer of 2022.

Casey Moore, representative of Motorola Solutions, was available and answered questions of the Council.

Councilman Weathers asked what is the life expectancy of the console system and if the maintenance plan will be renewed after the five-year initial agreement term. Mr. Moore replied the system should last 10-15 years and they receive updates every two years. He also confirmed there are several renewal options.

Councilman Mann asked if maintenance repairs are done to the console systems on site and Mr. Moore confirmed all repairs are provided on site, with a four-hour response time for repair calls.

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

RS8. RS01-2022-16 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH MOTOROLA SOLUTIONS FOR ASTRO CONNECTIVITY SERVICES, FOR AN AMOUNT NOT TO EXCEED \$115,000.

Presented by: Linn Goodman, Assistant Chief of Police

Summary: The Fiscal Year 2022 budget authorizes funding for \$100,000 to install managed site link connections (Astro Connectivity Service) that will connect the City of Cleburne’s MCC7500 dispatch console site to the two Regional Master Sites located in Fort Worth and Irving, respectively. These links are required for the console site to function. The actual FY 22 cost is expected to be approximately \$27,000. The FY 23 cost is expected to be \$21,100 with a 3% increase each year afterward until FY 26. The total five-year cost will be approximately \$115,000.

Casey Moore, representative of Motorola Solutions, was also available for this item 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					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

DISCUSSION & UPDATES

OC1. DISCUSS TRESPASS POLICY FOR CITY PROPERTIES.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: Discuss proposed policy to provide the public and City staff at City Property, buildings, and facilities, to the extent permitted by law, an environment free from unlawful and disruptive behavior that interferes with City and public business and activities.

This item was for discussion only and no formal action was taken. Council directed staff to submit this policy for Council’s consideration at a future meeting.

Mayor Cain recessed the Regular Council Meeting at 6:29 PM to discuss items legally posted in Executive Session.

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)

EXE3. Seek legal advice regarding the Pre-Treatment Program and a potential fine

Mayor Cain reconvened into open session at 7:14 PM and no formal action was taken resulting from items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 7: 17 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 8, 2022