



CITY COUNCIL REGULAR MEETING MINUTES

JANUARY 26, 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 @ 5:04 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 Pastor Harly Charles, Cleburne First Seventh-day Adventist Church

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

- CMPI1.** Quarterly update on Economic Development Activity – 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 were enacted with one motion.

MN1. CONSIDER MINUTES FOR THE JANUARY 12, 2021 REGULAR COUNCIL MEETING.

RS1. RS01-2021-14 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL FEBRUARY 9, 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 February 9, 2021 at 11:59 p.m. central standard time.

RS2. RS01-2021-15 CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2020.

Presented by: Marcie Freelen, Interim Director of Finance

Summary: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended December 31, 2020, the City invested solely in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter.

At December 31, 2020, there was \$125,571,866.29 invested in the four pools, along with the funds held by Texas Water Development Board, with total quarterly interest income of \$37,001.64. The percentage allocation by investment pool at December 31, 2020 is LOGIC: 25.00%, Texas Class: 26.75%, TexPool: 5.89%, TexSTAR: 11.97% and Amegy: 30.39%.

RS3. RS01-2021-16 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH GARY FOX JR. 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 161 COLUMBIA STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Fox has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program (Program) that was first adopted by City Council at the January 28, 2020 meeting and renewed as part of the Fiscal Year 2021 budget that was adopted at the September 8, 2020 City Council meeting. The applicant’s approximate investment will be \$115,190.00 for a 1,749 square foot home at 161 Columbia Street. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers, and as part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement. Based on a copy of the building plans submitted, this project meets the necessary criteria to qualify for reimbursement under the terms of the Program. Should the request be approved, there will be \$32,000 remaining for future projects under this program.

OR1. OR01-2021-04 CONSIDER AN ORDINANCE AUTHORIZING THE RESALE OF CERTAIN REAL PROPERTY ACQUIRED AT A DELINQUENT TAX SALE AND AWARDED HIGH BID RECEIVED ON DECEMBER 4, 2020.

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 Sheriffs’ 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 for two, which were opened on December 4, 2020. Perdue and city staff evaluated the bids and recommend the following for Council’s consideration:

- **S Brazos Ave**, 0.48 Acres, Abstract 171, H.R. Craig Survey (located in the 1200 block of S Brazos Ave), Cause #DC–T201500261 acquired on May 10, 2019; the high bidder is Colby Garza of Garza Group Custom Home & Real Estate Developers, LLC for \$5,000.00. The City, since no maintenance liens have been filed, is to receive \$0 in maintenance fees, and \$836.80 in back property taxes.
- **605 Robbins St**, Lot 4, Block 248, Original Town Cleburne, Cause #T201300205 acquired on February 19, 2016; the high bidder is Joel Sesmas for \$10,300.00. The City is to receive \$3,783.05 in maintenance fees, \$832.15 in back property taxes.

The total amount to be received by the City upon completion of the resale is \$5,452.00 (\$3,783.05 for maintenance fees and \$1,668.95 for back taxes.

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

Presented by: Marcie Freelen, Interim Director of Finance

MOTION: to approve in its entirety

	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

RESOLUTIONS

RS4. RS01-2021-17 CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH JOHNSON COUNTY AMENDING THE AUTHORITY FOR HANDLING FLOOD PLAIN ENFORCEMENT WITHIN THE JOSHUA FARMS MUNICIPAL MANAGEMENT DISTRICT NO. 2, LOCATED WITHIN THE CITY’S ETJ.

Mayor Pro Tem Boedeker abstained from discussion and voting on this item and filed a conflict of interest affidavit with the City Secretary.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne and Johnson County are working to amend the existing Interlocal Agreement in order to designate the City as the Floodplain Administer for the Joshua Farms Municipal Management District (also known as Silo Mills). The proposed amendment will provide the City with exclusive jurisdiction for handling flood plain enforcement within the Joshua Farms Municipal Management District No. 2, created pursuant to Sections 52 and 52-a, Article III, or Section 59, Article XVI of the Texas Constitution, and located within the City’s ETJ. City staff and the City Attorney have reviewed this request and have no objections or requested modifications.

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

RS5. RS01-2021-18 CONSIDER A RESOLUTION AUTHORIZING A DEVELOPER PARTICIPATION CONTRACT WITH CLEBURNE OZF, LLC, REPRESENTED BY C. RYAN VOORHEES, FOR OFFSITE SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH A PLANNED DEVELOPMENT DISTRICT WITHIN THE CITY LIMITS.

Presented by Jeremy Hutt, Director of Public Works

Summary: Cleburne OZF, LLC (Developer) is developing a project known as the Live Oaks Apartments on approximately 29.12 acres of land, generally located approximately 1,000 feet north of Mt. Carmel Road on the West side of North Main Street in the City of Cleburne. The Developer will be constructing sanitary sewer improvements and the City requires oversizing of these sanitary sewer main improvements to anticipate and accommodate other future development in the area.

The proposed resolution will authorize the City Manager to negotiate and execute a “Developer Participation Contract” (Contract) with the Developer, as well as authorize the City Manager to make any non-substantial changes, deletions, and additions to the Contract on behalf of the City.

Proponent Mr. Ryan Voorhees 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					Denied
Warren		X	X					Withdrawn

Cain			X				Postponed until:
X	Motion Carried		Motion Failed				Roll Call

ORDINANCES

OR2. Withdrawn by applicant ~~*PUBLIC HEARING*~~ CONSIDER AN ORDINANCE REZONING ±1.01 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), LOCATED AT THE NORTHWEST CORNER OF COLORADO STREET AND EAST WILLINGHAM STREET, AS REQUESTED BY MONARCA INVESTMENTS, LLC, REPRESENTED BY MONICA LOPEZ, CASE ZC20-028.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has submitted a request to formally withdraw this rezoning request. The applicant has indicated that they have now sold the property.

The applicant has requested to rezone approximately 1.01 acres from M1 (Light Industrial District) to MF (Multiple-Family Housing District) located at the northwest corner of Colorado Street and East Willingham Street for future residential development. The Planning and Zoning Commission considered this request at their January 11, 2021 meeting and recommended denial by a vote of 7-0. The recommendation of denial requires a supermajority vote for approval by City Council.

The question was raised as to the difference with accepting the applicant’s withdrawal versus taking action with denial. The City Attorney confirmed that denial prompts the 12-month waiting period for another MF rezoning application on this property. No public hearing was held.

MOTION: to approve the applicant’s request to withdraw

	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

OTHER COUNCIL MATTERS

OC2. PRESENTATION AND DISCUSSION ABOUT THE MASTER THOROUGHFARE PLAN AND THE POSSIBILITY OF PERFORMING AN UPDATE TO THE EXISTING PLAN.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In 2008 Kimley-Horn and Associates, Inc. (KHA) was retained by the City to provide transportation planning services to analyze the City's existing and proposed roadway thoroughfare system. Based upon the analysis of the existing and future projected thoroughfare system needs, KHA developed the 2008 Master Thoroughfare Plan (MTP).

A minor update of the MTP was performed in 2017 in order to adjust Ridgway Drive to accommodate recent developments. Since the original plan was developed, the City has experienced significant growth and it may be necessary to update the plan based on the recent development trends. Staff will update the City Council on the respective details of a possible update and representatives from KHA will provide additional information on the importance of a Master Thoroughfare Plan.

Representatives Jeff Whitacre and Aaron Nathan of Kimley-Horn Associates, Inc were available via teleconference to give the Council an overview of the thoroughfare plan process. Mr. Nathan stated he served as the project manager for the City's 2008 thoroughfare plan.

No action was taken by the Council, but staff was directed to schedule a workshop early in the process to consider the character of the community as well as the expectations to accommodate growth.

EXECUTIVE SESSION

The Regular Council Meeting recessed at 5:56 PM to discuss items legally posted in Executive Session.

Section 551.087. Deliberation Regarding Economic Development Negotiations - The City Council will convene into executive session to deliberate the offer of financial or other incentives to a business prospect that the City seeks to have locate in the City and with which the City is conducting economic development negotiations related to the following matter:

- EXE1. Discuss request for economic development incentives related to mixed-used redevelopment project located at 201 East Chambers Street

Mayor Cain adjourned the closed meeting and reconvened into open session at 6:25 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:25 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 9, 2021