



REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 11, 2020
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR PRO TEM @ 5:01 PM

City Council:

- Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

II. INVOCATION by Dr. Ron Schultz, 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. CITIZENS COMMENTS

An opportunity was made 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

☆ Presentation –2019 Super Star – James (Jimmy) Green, Sanitation Department

Police Chief Rob Severance announced and introduced the new Assistant Chief Craig Husky

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.

M1. CONSIDER MINUTES FOR THE JANUARY 28, 2020 COUNCIL MEETING.

BQ1. CONSIDER AUTHORIZING PURCHASE OF THREE 2020 CHEVROLET 1500 PICKUP TRUCKS FOR THE FIRE DEPARTMENT'S ADMINISTRATIVE COMMAND STAFF FROM CALDWELL COUNTRY FOR AN AMOUNT OF \$146,173.

Person presenting this item: Scott Lail, Fire Chief

BRIEF: Staff is requesting approval to purchase three new 2020 Chevrolet 1500 pickups that will replace unit #0147073 (2007 Durango), unit #0147077 (2007 Dodge Ram), and unit #0147079 (2008 Dodge Ram). The vehicles that are being replaced will be sold at auction. Based on the Fire Department's vehicle requirements, these vehicles meet all required specifications. Caldwell Country is on BuyBoard - Contract # 601-19, so all competitive purchasing requirements have been met. Additional cost to equip these vehicles with fire radios and additional equipment will not exceed \$8,4445.00.

RS1. RS02-2020-17

CONSIDER A RESOLUTION ADOPTING THE REVISED PREVAILING WAGE RATES FOR 2020 FOR PUBLIC WORKS CONSTRUCTION PROJECTS.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 2258 of the Texas Government Code states that a worker employed on a public work by a municipality shall be paid not less than the current prevailing rate of wages for work of a similar character in the locality in which the work is performed. The Department of Labor in accordance with the Davis-Bacon Act performs regular surveys to determine the current prevailing wage rates. Updated survey results for Johnson County, Texas were issued by the Department of Labor for 2020 and are included in the backup.

RS2. RS02-2020-18

CONSIDER A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH JOSHUA INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT ESTABLISHING COMMON POLICY AND PROCEDURE PRACTICES.

Person presenting this item: Rob Severance, Police Chief

BRIEF: The Joshua Independent School District has requested to enter into a memorandum of understanding with the City of Cleburne to set out a common understanding of the policies and procedures that the Joshua ISD Police Department, and the Cleburne Police Department, will follow in providing police service to Joshua ISD schools in Cleburne, Johnson County and/or The State of Texas. This MOU is a formal agreement to clarify jurisdiction, define parameters and areas of responsibilities, and to establish a spirit of cooperation to enhance the services that both agencies provide to the citizens residing within the city limits of Cleburne, Texas, in accordance with the provisions of the Texas Education Code, Section 37.081. There is no cost to the City of Cleburne.

This agreement shall be in full force and effect from the date of the last party to sign this Agreement until July 31, 2020. This agreement may be renewed annually upon approval by both parties. Either party may terminate this agreement upon giving written notice thirty (30) days prior to the date of termination.

RS3. RS02-2020-19

CONSIDER A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH BRINKLEY SARGENT WIGINTON ARCHITECTS FOR FACILITY ASSESSMENTS AND CONCEPTUAL PLANNING FOR AN AMOUNT NOT TO EXCEED \$91,720.

Person presenting this item: Steve Polasek, City Manager

BRIEF: As the City of Cleburne grows and existing facilities age it becomes necessary to study and plan for the future needs of the organization and community. These needs can vary from personnel to equipment to buildings. This item focuses specifically on spatial requirements and facility needs assessments relating to police, fire administration, municipal courts and library. The current facilities consist of aged structures that have been retrofitted throughout the years and offer little opportunity for future growth. In order to gain a true understanding of current and future departmental needs accounting for growth, efficiency of operations, enhanced service levels and cost, staff engaged the firm of Brinkley Sargent Wiginton Architects (BSW) to submit a proposal to provide professional services to include comprehensive facility needs assessments and conceptual planning.

With combined experience of over eighty years, the principals at BSW have provided planning and architectural services throughout the State of Texas. Some of their clients, to name a few, include the cities of Farmers Branch, Round Rock, Midland, North Richland Hills, Grand Prairie, San Antonio and Mesquite. They are well versed in the planning and design of public safety facilities and will collaborate with 720 Design for library consulting services.

The proposed task will take approximately eighteen weeks to complete at a cost of \$91,720 including reimbursables. Final report deliverables to City Council addressing police, library, municipal courts and fire administration will include the following:

- Executive summary providing narrative of final direction established by city
- Departmental space needs for 15 and 30 years
- Departmental parking needs
- Conceptual site plans utilizing three sites for multiple options which may be possible to provide for city needs

Project budgets and visual representation through photographs of past architectural projects of similar quality.

OR1. OR02-2020-11

CONSIDER AN ORDINANCE AMENDING FY2020 ANNUAL BUDGET (#2) APPROPRIATING \$91,720 FROM FUND BALANCE FOR FACILITY ASSESSMENT AND CONCEPTUAL PLANNING SERVICES.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Staff was directed by the City Council at their December 12, 2019 workshop to engage a firm in a professional services agreement to provide a comprehensive facility needs assessments and conceptual planning. With combined experience of over eighty years, the principals at Brinkley Sargent Wiginton Architects have provided planning and architectural services throughout the State of Texas. Some of their clients, to name a few, include the cities of Farmers Branch, Round Rock, Midland, North Richland Hills, Grand Prairie, San Antonio and Mesquite. They are well versed in the planning and design of public safety facilities and will collaborate with 720 Design for library consulting services.

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- Project budgets and visual representation through photographs of past architectural projects of similar quality

The proposed General Fund budget amendment in the amount of \$91,720 will revise the total adopted General Fund budget of \$39,797,226 (Ordinance OR09-2019-51) to \$39,888,946.

OR2. OR02-2020-12

CONSIDER AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD ON MAY 2, 2020, AND IF NEEDED, A RUNOFF ELECTION ON JUNE 13, 2020 FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS ONE AND FOUR.

Person presenting this item: Ivy Peterson, City Secretary

BRIEF: This Ordinance constitutes the official Order and Calling of a General Election for the City of Cleburne, Texas, to be held on the first Saturday in May, which is May 2, 2020. This election will be held for the purpose of electing a Mayor and Councilmembers for Single Member Districts One and Four. This Ordinance establishes, among other things, purpose of election, polling locations and times, rates of compensation for election workers and other provisions. The appointment of Judges and Alternate Judges will be presented for your consideration at a future council meeting.

The City and CISD elections will be held as a combined election to maintain consistency and accessibility in voting practices, polling places and procedures to best accommodate the voters in both jurisdictions. There are a total of six polling places, two for early voting and four on election day. If all races for City and CISD are on the ballot, the total cost will be shared 50/50. Otherwise, the cost to each agency is proportionate to the number of polling places used.

The CISD will compensate the City for conducting the election with a % of total cost administration fee. Should the City require a runoff election, the City’s portion of another election will be 100%.

Mayor Pro Tem Warren requested clarification on Item RS3 and City Manager Polasek responded accordingly. RS3 was not pulled from the consent agenda.

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		X	X				X Approved as presented
Boedeker						X	Approved as amended
Mann	X		X				Denied
Warren			X				Withdrawn

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

RESOLUTIONS

RS4. RS02-2020-20

CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH FREESE AND NICHOLS, INC FOR PROFESSIONAL SERVICES RELATED TO DEVELOPMENT OF TITLE XV: LAND USAGE, CHAPTER 155: ZONING, AND ASSOCIATED AMENDMENTS TO THE OFFICIAL ZONING MAP, FOR AN AMOUNT NOT TO EXCEED \$200,000.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: The City’s zoning ordinance, Chapter 155 of the Code of Ordinances was last updated in 1996. Therefore, the chapter is in need of significant updates to address the current needs and goals of the City of Cleburne. Additionally, the Comprehensive Plan adopted in 2014 recommended revising the chapter in its entirety to fulfill the goals of the plan set forth by the City Council and the citizens of the City of Cleburne.

Freese and Nichols, Inc. (FNI) has been selected to conduct a comprehensive update to the existing zoning ordinance and zoning map. FNI will conduct an analysis of the current zoning ordinance, as well as the Future Land Use Map (created with the comprehensive plan), to develop an update to the City’s zoning ordinance and map. The general scope of the project will consist of:

1. A diagnostic analysis of the City’s existing zoning ordinance – including a report defining problems and issues with the current ordinance.
2. Zoning Ordinance Update – this will consist of an entire rewrite of the zoning ordinance.
3. Zoning Map Update – this will include an analysis of the Future Land Use Map and the existing built conditions.

A detailed scope is included in the proposed contract for Council review. The total cost of the project is \$200,000. Funds were allocated in the FY20 budget and are available for this project. The project is scheduled to begin in March 2020, with a proposed 12-month timeline.

MOTION: to approve as presented

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

ORDINANCES

OR3. OR02-2020-13

CONSIDER AN ORDINANCE REZONING ±3.451 ACRES FROM C2 (GENERAL BUSINESS DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), 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 JONATHAN HAKE.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This item was originally scheduled to be heard at the January 27, 2020 Planning and Zoning Commission Meeting. However, a quorum was not present and therefore the meeting was cancelled. This item is scheduled to be heard at the February 10, 2020 Planning and Zoning Commission Meeting and therefore does not contain a recommendation from the Commission in this summary statement.

The applicant has requested to rezone approximately 3.451 acres from C2 (General Business District) to MF (Multiple-Family Housing District) located approximately 640 feet south of W. Henderson Street and on the south side of Mayfield Parkway. The applicant has indicated their intent to construct a multi-family development, of which the proposed 3.451 acres is not currently zoned for the proposed use.

The property to the immediate south is zoned MF (Multiple-Family Housing District) and it is the applicant’s intent to develop on both the 3.451 acres under consideration for rezoning as well as the property that is already zoned the MF District. The property is currently zoned C2 (General Business District) and is adjacent to Hill College to the north and undeveloped tracts of land to the west, east and south. The same C2 Zoning District surrounds the property to the west, east and north across Mayfield Parkway.

The applicant has provided a conceptual site plan and conceptual building renderings of the proposed multi-family development. These conceptual plans are for informational purposes only and are intended to illustrate an example of the type of multi-family development being proposed. These conceptual plans are not up for consideration as part of this rezoning request.

The Future Land Use Plan shows this property to be located in the Villages District, whose purpose is to create a mixed-use community built around an activity center. The proposed rezoning request for future multi-family development is considered an appropriate use within this district.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval with a vote of 4-0.

****OPENED PUBLIC HEARING****

Speakers: Petitioner Jonathan Hake was available to answer questions of the Council

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		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

OR4. OR02-2020-14

CONSIDER AN ORDINANCE REZONING ±0.50 ACRES FROM C2 (GENERAL BUSINESS DISTRICT) AND MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO C3 (COMMERCIAL DISTRICT), LOCATED AT 103 SOUTH DOUGLAS AVENUE, 802 AND 804 WEST CHAMBERS STREET; AS REQUESTED BY JAMES E. WRIGHT, REPRESENTED BY MATHIAS HAUBERT.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: This item was originally scheduled to be heard at the January 27, 2020 Planning and Zoning Commission Meeting. However, a quorum was not present and therefore the meeting was cancelled. This item is scheduled to be heard at the February 10, 2020 Planning and Zoning Commission Meeting and therefore does not contain a recommendation from the Commission in this summary statement.

The applicant has requested to rezone approximately 0.50 acres from C2 (General Business District) and MF (Multi-Family Housing District) to C3 (Commercial District) for the properties located at 103 S. Douglas Avenue, 802 W. Chambers Street and 804 W. Chambers Street. The applicant has indicated their intent of the rezoning request is to incorporate these existing lots with several other lots within the block (currently all zoned the C3 District) for future commercial redevelopment.

The property at 103 S. Douglas Avenue is zoned the C2 District and is currently being used for a commercial business. The properties at 802 and 804 W. Chambers Street are both zoned the MF District and are currently undeveloped. The properties to the north and west are zoned C3 (Commercial District) and the properties to the east and south are zoned MF (Multiple-Family Housing District). There is an existing restaurant to the north of the subject property and existing residential homes to the east, west and south along W. Chambers Street and S. Douglas Avenue.

The Future Land Use Plan shows this property to be located in the Central Corridor District, whose purpose is to promote value stabilization and redevelopment along Henderson Street and Main Street. The proposed rezoning request for future commercial development is considered an appropriate use within this district.

On January 21, 2020, Staff received one letter of opposition (attached) from the property owner at 723 W. Chambers Street. Per State Law and Section 155.15 of the Zoning Ordinance, should a protest of 20% or more of the property owners within the 200 feet notification boundary be submitted, a super majority vote by City Council is required. Staff has evaluated the submitted opposition letter and it does not constitute a super majority vote given that the percentage of opposition is 6.54%.

The Planning and Zoning Commission considered this request at their February 10, 2020 meeting and recommended approval with a vote of 4-0.

****OPENED PUBLIC HEARING****

Speakers: Proponent Mathias Haubert was available for questions of the Council
 Celia Ledbetter spoke in opposition to this request

Councilman Mann requested Mr. Pace to describe the development process after the rezoning has been established. Mayor ProTem asked if Ms. Ledbetter’s concerns will be addressed during the planning stage and Mr. Pace confirmed they would.

City Manager Polasek took a moment to consult with the City Attorney.

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

The motion carried by a majority of the council in attendance.

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly				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>

OR5. OR02-2020-15

CONSIDER AN ORDINANCE APPROVING PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 45.65 ACRES OF LAND LOCATED WITHIN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT 124 AND GENERALLY LOCATED AT 1509 EAST SECOND STREET; AS REQUESTED BY MW TEXAS STAR HOMES, LLC, REPRESENTED BY KIMBERLY MALONE.

Person presenting this item: Shane Pace, Director of Community Development

BRIEF: A petition for voluntary annexation has been filed with the City by the owner of an approximately 45.65 acre tract of land, generally located at 1509 E. Second Street, contiguous to the City of Cleburne. The applicant is requesting that the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code.

Pursuant to Section 43.0673 of the Texas Local Government Code, the City is required to hold one public hearing before it may initiate annexation proceedings for the property. The City Council will hold a public hearing and consider adoption of the annexation ordinance on February 11, 2020 at 5:00pm in the City Hall Council Chambers.

The applicant has indicated the intent to develop a residential subdivision on the subject property. The subject property is located within the Traditional Neighborhoods District and single-family residential uses are considered appropriate. The adjacent property to the west is currently developed with single-family residential homes, making the proposed land use consistent with the surrounding development patterns. The subject property appears to be adequately served by City water and sewer service.

The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District.

****OPENED PUBLIC HEARING****

Speakers: Proponent Kimberly Malone and husband, David Wells were available to answer questions of the Council.

****CLOSED PUBLIC HEARING****

MOTION: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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

The regular council meeting was recessed at 5:49 PM to discuss items legally posted in executive session.

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.**

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

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. Discuss legal action against Charter Matrix Group

Mayor Pro Tem Warren reconvened into open session at 6:06 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:06 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 25, 2020