



CITY COUNCIL REGULAR MEETING MINUTES
APRIL 13, 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

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| <p><u>City Council:</u></p> <ul style="list-style-type: none">✓ Scott Cain, MayorX Derek Weathers, SMD 1✓ Chris Boedeker, Mayor Pro Tem/SMD 2✓ Mike Mann, SMD 3✓ John Warren, SMD 4 | <p><u>Administration:</u></p> <ul style="list-style-type: none">✓ Steve Polasek, City Manager✓ Ashley Dierker, City Attorney✓ Ivy Peterson, City Secretary |
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II. INVOCATION by Pastor Brian McClure, Friendship Baptist 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. CITIZENS COMMENTS

An opportunity was made available 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 – Cleburne’s Hulen Park Lonestar Legacy Park Recognition, presented by Texas Recreation and Park Society
- ☆ Presentation –NCT 911 Award –911 Supervisor of the Year – Holly Bicknell and Valerie Hughes – presented by Police Chief Rob Severance
- ☆ Presentation – CoVID Hub Update – presented by Fire Chief Scott Lail

CONSENT AGENDA

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 MARCH 23, 2021 REGULAR COUNCIL MEETING.

RS1. RS04-2021-41 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL APRIL 27, 2021.

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 April 27, 2021 at 11:59 p.m. central standard time.

MOTION: to approve in its entirety

	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>

ACTION AGENDA

RS2. RS04-2021-42 *PUBLIC HEARING* CONSIDER A RESOLUTION OFFICIALLY NAMING THE CITY OWNED FACILITY AT 1511 W. HENDERSON STREET (AKA. CHAMBER BUILDING) THE “CATHY MARCHEL BUILDING” IN HONOR OF A BELOVED FORMER COMMUNITY LEADER AND CLEBURNE CHAMBER OF COMMERCE PRESIDENT.

Presented by: Steve Polasek, City Manager

Summary: At the January 28, 2020 meeting, the City Council discussed the naming of a city facility in honor of Cathy Marchel and directed staff to develop several names for consideration. At the February 25, 2020 meeting, City Council reviewed the proposed names and directed staff to move forward with the official process of naming the facility at 1511 W. Henderson Street (aka. Chamber building) the “Cathy Marchel Building”. Shortly thereafter, the COVID-19 pandemic began and the project was temporarily placed on hold.

With the recent slowdown in the number of Covid-19 cases and the ability to now gather publicly in greater numbers and in a safe manner, this item was re-started. As a reminder, the proposed naming of the building meets all of the criteria of the City’s Naming Policy and the Public Hearing notice was published ten days in advance of the Council meeting as required. If approved, staff will finalize the signage plan for the exterior of the building as well as an interior plaque. A future dedication ceremony would tentatively be planned for early June.

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

OR1. OR04-2021-16 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.25 ACRES FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO MF/SUP (MULTIPLE-FAMILY HOUSING DISTRICT WITH A SPECIFIC USE PERMIT FOR A PRIVATE COMMUNITY CENTER), LOCATED AT 901 SOUTH ROBINSON STREET, AS REQUESTED BY GONE WITH THE WIND REMEMBERED MUSEUM; REPRESENTED BY VICKY L. ROGERS, CASE ZC21-003.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting a Specific Use Permit (SUP) for a private community center in order to construct an approximately 3,240 square foot Event Center Annex at 901 South Robinson Street. There is an existing SUP for a private community center at 907 South Robinson Street, that was approved in 2017 for the Gone With the Wind Museum Gathering and Guest House. It is the applicant’s intent to extend the boundaries of the existing SUP for the new Event Center Annex that will serve as another event space for the Gone With the Wind Museum.

The Planning and Zoning Commission considered this request at their March 22, 2021 meeting and recommended approval by a vote of 4-2 with the following conditions:

1. The reduction of the front yard setback to 17 feet; and
2. The waiver to reduce the parking requirement from 17 spaces to 11 spaces

Proponents Mike and Vicky Rogers were available in person for questions.

Mayor Cain opened the public hearing and Mr. Rogers spoke about the project and its relation to the nonprofit Gone With the Wind Museum. The Public Hearing was closed with no other speakers.

MOTION: to approve as presented including the recommendations by the Planning and Zoning Commission

	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	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

OR2. OR04-2021-17 *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.40 SIGN STANDARDS, TO PERMIT AN INCREASE IN MAXIMUM SIGN HEIGHT AND TO PERMIT AN INCREASE IN SIZE FOR AN ELECTRONIC MESSAGE BOARD, LOCATED AT 4319 NORTH MAIN STREET; AS REQUESTED BY RV DEPOT, CASE VC21-001.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant, RV Depot, has submitted a formal request for a three (3) variances for a proposed multi-pylon sign to allow for an increase in the maximum sign height and maximum sign area permitted for an electronic message board located at 4319 North Main Street. The multi-pylon sign will feature a masonry base with an upper cabinet sign with the business name and a lower cabinet sign for an electronic message board. The applicant contends that the requested variances are necessary to enhance visibility for travelers along North Main Street.

Proponent Theresa Greig was available in person and Steve Greig was available by phone for questions.

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

MOTION: to approve conditionally that the final sign be consistent in materials and design specifically using masonry or masonry-like materials in the columns and sign

	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>

BQ1. CONSIDER AUTHORIZING THE PURCHASE OF MULTIPLE VEHICLES INCLUDING THREE TAHOE PPV, A 2500 SILVERADO, TWO 1500 SILVERADO AND AN AUTOMATED SANITATION TRUCK FROM CALDWELL COUNTRY CHEVROLET, BOND EQUIPMENT, OR RELIANCE TRUCK & EQUIPMENT, UTILIZING THE BUYBOARD COOPERATIVE IN AN AMOUNT NOT TO EXCEED \$589,774.00.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In order to maintain the City Fleet, it is important that outdated, older, and vehicles that are no longer meeting the needs of the City are replaced. Several vehicles have been identified for replacement including Police, Parks, Engineering, and Sanitation vehicles.

Department	Vehicle	Vehicle Total Costs
Police	Tahoe PPV Patrol	\$65,891
Police	Tahoe PPV Patrol	\$65,891
Police	Tahoe PPV Admin	\$35,348
Parks	2500 Silverado w/ Utility Bed	\$44,175
PW - Engineering	Crew Cab 1500 Silverado	\$27,810
Building Inspections	Crew Cab 1500 Silverado	\$27,810
PW- Sanitation	Crane Carrier Chassis and Labrie 22 Yard Refuse Body - Automated Sanitation Truck	\$322,849

These purchases will utilize the BuyBoard co-op to satisfy competitive purchasing requirements

- Caldwell Country Chevrolet has been awarded a contract, through the BuyBoard Co-op Purchasing Program
- Bond Equipment has been awarded a contract, through the BuyBoard Co-op Purchasing Program
- Reliance Truck & Equipment has been awarded a contract, through the BuyBoard Co-op Purchasing Program

The funding for the presented vehicles was planned for, and available for use in the Vehicle Replacement Fund. The existing units will be removed from the fleet and auctioned, or used to replace a lower priority unit within the fleet that is less desirable to maintain.

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>

RS3. RS04-2021-43 CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE A PRE-DEVELOPMENT AND PROFESSIONAL SERVICES AGREEMENT WITH LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION LTD.

Presented by: Shane Pace, Executive Director of Development Services

Summary: Lennar Homes of Texas Land and Construction Ltd. seeks to pursue a Municipal Management District and recognizes that the City of Cleburne has limited financial resources to

expend for professional services. Therefore, Lennar Homes of Texas Land and Construction Ltd agrees to pay the City of Cleburne for Professional Services rendered associated with this development for a total amount up to \$50,000.

For reference, this is for the Wright Farms development project located in the City’s extraterritorial jurisdiction generally along County Road 904 at its intersection with County Road 1017.

Proponent Christopher Tysdal was available by phone 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	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>

Mayor Cain recessed the Regular Council Meeting at 5:47 PM to discuss items legally posted in Executive Session.

EXECUTIVE SESSION

Section 551.071. Consultation with Attorney and Section 551.072. Deliberation Regarding Real Property - The City Council will convene into executive session to receive legal advice from the City Attorney regarding pending or contemplated litigation and to deliberate the purchase, lease, or value of real property related to the following matter:

EXE2. Eminent domain actions for the acquisition of easements for the construction and maintenance of a reuse water pipeline, known as West Loop Reuse Pipeline

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:

EXE3. Discuss the Riverview Development project and their request for a development agreement

Mayor Cain reconvened into open session at 6:17 PM to take action resulting from any of the above items posted and legally discussed in Executive Session.

ACTION AGENDA CON'T

RS4. RS04-2021-44 CONSIDER A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH LIONWOOD CLEBURNE, LLC, FOR OFFSITE SANITARY SEWER AND WATER MAIN IMPROVEMENTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has been contacted by a developer and received a request to enter into a development agreement in order to extend public Water and Wastewater facilities. Staff have

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>

OR3. OR04-2021-18 *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING VOLUNTARY ANNEXATION FOR ±327.883 ACRES LOCATED WITHIN A PORTION OF THE J.C. WILLIAMS SURVEY ABSTRACT NO. 873, J.R. PRICE SURVEY, ABSTRACT NO. 1246, AND J. FAULKNER SURVEY, ABSTRACT NO. 994 AND GENERALLY LOCATED NEAR THE NORTHEAST INTERSECTION OF WOODARD AVENUE AND COUNTY ROAD 1227, AS REQUESTED BY LIONWOOD CLEBURNE, LLC, CASE GC21-004.

Presented by: Shane Pace, Executive Director of Development Services

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 327.883 acres, generally located near the northeast intersection of Woodard Avenue and County Road 1227, 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 April 13, 2021 at 5:00pm in the City Hall Council Chambers.

The subject property is located within the Traditional Neighborhoods Transition District and Regional Corridor Districts. The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District. The applicant has indicated that a rezoning request will be submitted immediately following annexation of the subject property. Staff anticipates this item will be considered by the Planning and Zoning Commission at the May 10, 2021 meeting and subsequently considered by City Council on May 25, 2021.

Proponent Rob Watson was available in person 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	Approved as presented
Boedeker	X		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>

RS5. RS04-2021-45 CONSIDER A RESOLUTION TO CONSIDER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND CONSIDER RESOLUTION NO. RS04-2021-45 AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF OBTAINING THE NECESSARY EASEMENTS FOR CONSTRUCTION AND MAINTENANCE OF A REUSE WATER PIPELINE, KNOWN AS WEST LOOP REUSE PIPELINE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: A market study and appraisals have been completed, and offers have been made to property owners. To date, not all easements have been acquired. Negotiations with property owners are continuing, however staff has been unable to move some of the negotiations forward. If necessary, condemnation actions may be needed to acquire easements for construction of the West Reuse Pipeline.

MOTION: I move that the City Council of the City of Cleburne authorize the use of the power of eminent domain to acquire the utility and temporary construction easements described in Resolution Number RS04-2021-45, as presented, specifically:

A 1.110 acre Utility Easement and a 1.998 acre Temporary Construction Easement on property described in Volume 981, Page 70, Deed Records of Johnson County, Texas, more fully described in Exhibits A and B to said Resolution;

for public use in construction and maintenance of a reuse water pipeline known as West Loop Reuse, and I further move to adopt Resolution Number RS04-2021-45, 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>

DISCUSSION & UPDATES

OC1. DISCUSS PROPOSED REVISIONS TO CHAPTER 116: PEDDLERS AND SOLICITORS OF THE CODE OF ORDINANCES.

Presented by: Gary Moseley, Police Lieutenant

Summary: Discuss proposed revisions to Chapter 116: Peddlers and Solicitors.

This was a presentation with discussion only. The Council suggested refining definitions and permit requirements for soliciting, canvassing and hawking. There was discussion about the permittees being allowed to create their own ID's, notification attire, and signage. The council requested modifications and to bring the item back in a couple weeks for action.

Mayor Cain recessed the Regular Council Meeting at 7:06 PM to discuss items legally posted in Executive Session.

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. Seek legal advice regarding the allocation of sales tax in overlapping jurisdictions
- EXE4. Seek legal advice regarding the wastewater treatment plant expansion project
- EXE5. Seek legal advice regarding to the Pre-Treatment Program and a potential fine

Mayor Cain reconvened into open session at 7:50 PM and no action was taken resulting from the above items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 7:51 PM