



CITY COUNCIL REGULAR MEETING MINUTES
AUGUST 23, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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:

- X Steve Polasek, City Manager
- ✓ Ashley Dierker, City Attorney
- ✓ Ivy Peterson, City Secretary
- ✓ Chris Fuller, Deputy City Manager

II. INVOCATION by Pastor Daniel Gibbs, Open Heart Ministries

III. PLEDGE OF ALLEGIANCE

~~IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
Mayor Cain 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. PROCLAMATION: 9/11 Day of Remembrance - Patriot Day, September 11, 2022
– Marty Peters

CMP2. PRESENTATION: Summer Reading Program Report, Tina Dunham, Library Services Director

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 AUGUST 9, 2022 REGULAR COUNCIL MEETING.

RS1. RS08-2022-110 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL SEPTEMBER 13, 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 September 13, 2022 at 11:59 p.m. central daylight time.

RS2. RS08-2022-111 CONSIDER A RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP, MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING.

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

The Legislature’s GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly process. Given Atmos Mid-Tex’s claim that its historic cost of service should entitle it to recover \$141.3 million in additional system-wide revenues, the RRM settlement at \$115 million for ACSC cities reflects substantial savings and considers the settlement fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2022 with the new rates being effective October 1, 2022.

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7%. The increase for average commercial usage will be \$14.34 or 4.3%.

OC1. CONSIDER APPROVING ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF JULY 2022.

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>

BUDGET AND TAX RATE MATTERS

OC2. *PUBLIC HEARING* HOLD PUBLIC HEARING FOR PUBLIC INPUT ON THE FISCAL YEAR 2023 ANNUAL BUDGET BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023.

Presented by Rhonda Daugherty, Director of Finance

Summary: In accordance with the City Charter (Sec 6.4) and the Local Government Code (LGC) (Sec. 102.006), the governing body shall hold a public hearing on the proposed budget on a date before the tax rate is adopted. On August 9, 2022, the City Council scheduled a public hearing to provide the public the opportunity to speak on the proposed budget. A public hearing notice was published on August 13, 2022 in the Cleburne Times Review, which is not earlier than 30th or later than the 10th day prior to the public hearing in accordance with LGC Sec. 102.0065.

At the conclusion of this public hearing, required action is to announce the date, time and place of the adoption of the proposed annual FY 2023 budget to be held during the regularly scheduled City Council meeting of September 13, 2022 at 5:00 pm at City Hall, 10 N. Robinson St, Cleburne, Texas.

As a result of Council discussion at the budget workshop on August 9th, general fund expenses were added for City Hall’s front door security enhancements and for a Police Department motorcycle replacement.

Mayor Cain opened the public hearing, and with no speakers the public hearing was closed.

MOTION: to consider the proposed FY 2023 budget at the regular council meeting of September 13, 2022 at 5:00 pm at City Hall, 10 N Robinson St

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

RS3. RS08-2022-112 CONSIDER A RESOLUTION SCHEDULING A PUBLIC HEARING FOR THE FISCAL YEAR 2023 TAX RATE TO BE HELD ON SEPTEMBER 13, 2022, AT 5:00 PM DURING THE REGULAR CITY COUNCIL MEETING.

Presented by: Rhonda Daugherty, Director of Finance

Summary: At the August 9, 2022 Council meeting, the tax rate associated with the Fiscal Year 2023 budget was presented for council consideration. At this meeting and in the intent resolution, it stated a public hearing on the tax rate was not required. After further review, Section 26.05(d) states the governing body may not adopt a tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate before a public hearing is held. As a reminder, the proposed rate for FY 2023 is \$0.640476 per \$100 of valuation, which is the rate presented to City Council at the FY 2023 budget workshop on August 9, 2022. The proposed rate of \$0.640476 does not exceed the voter-approval tax rate of \$0.640476, however, it does exceed the no-new-revenue tax rate of \$0.635579, and therefore, a public hearing on the tax rate is required by the Texas Property Tax Code. In accordance with Section 26.06(b-2) of the Texas Tax Code, the publication of the Notice of Public Hearing on Tax Increase and will be published in the Cleburne Times-Review on Saturday, August 27, 2022.

As previously presented, the allocation for the FY 2023 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$0.029790 and the operations and maintenance (General Fund rate) is \$0.610686. The ordinance adopting the FY 2023 tax rate will reflect these rates.

MOTION: to schedule and hold a public hearing and vote on the tax rate at the regular council meeting of September 13, 2022 at 5:00 pm at City Hall, 10 N Robinson St

	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

ACTION AGENDA

Mayor Pro Tem Boedeker arrived at 5:35 pm.

OR1. OR08-2022-60 CONSIDER AN ORDINANCE APPROVING THE REDISTRICTING OF THE CITY COUNCIL SINGLE-MEMBER DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES BASED ON 2020 CENSUS DATA FOR CLEBURNE CITY COUNCIL ELECTIONS.

Presented by: Ivy Peterson, City Secretary

Summary: Results of the 2020 federal Census indicated the City’s single-member council districts are sufficiently out of population balance and require redistricting in order to comply

with the “one-person, one-vote” (equal population) principle established by the U.S. Constitution. The City engaged the law firm of Bickerstaff Heath Delgado Acosta, LLP to act as its consultant, including advising and assisting the City Council in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law.

On June 14, 2022, the Council adopted criteria to assist in the development of redistricting plans. Additionally, Council adopted guidelines establishing procedures for the submission of comments and proposed plans by the public, and at the Council’s regular meeting of July 26, 2022, a public hearing was held providing an opportunity for public input.

As part of this multi-step process, the Council has considered several plans. This ordinance provides for the adoption of a final districting plan that will establish new municipal boundaries defining council representation for future elections. As provided in the City Charter, any redistricting plan requires a three-fourths vote of the full Council and shall be adopted no later than six months prior to the next ensuing City election. The proposed ordinance includes an immediate effective date that will provide sufficient time to coordinate with Johnson County for updating voter registration records before the next city election’s candidate filing period.

Syd Falk, legal counsel with Bickerstaff was available via teleconference.

MOTION: to approve “Plan A, Version 2” with an effective date of August 23, 2022

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

MOTION: to approve “Plan A, Version 3” with an effective date of August 23, 2022

	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>

OR2. OR08-2022-61 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±4.138 ACRES LOCATED AT 2637 NORTH NOLAN RIVER ROAD, FROM A (AGRICULTURAL DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT), WITH A SPECIFIC USE PERMIT FOR A HEAVY EQUIPMENT SALES AND REPAIR FACILITY AT 2637 AND 2825 NORTH NOLAN RIVER ROAD, CASE ZC21-027.

Presented by: David Jones, Community Development Director

Summary: The applicant, Zimmerer Kubota, has submitted a request for a rezoning and Specific Use Permit for the property located at 2637 and 2825 North Nolan River Road, to expand the existing Zimmerer Kubota heavy equipment dealership. The proposed expansion will include the construction of a new building in order to expand the existing heavy machinery sales, rental, and service business, with outside display. The applicant has provided a letter of intent, and a site plan that includes landscaping and building elevations. The Planning and Zoning Commission considered the request at its July 25, 2022 meeting and recommended approval as presented by a vote of 6-0.

Roy Oujesky proponent was available should the Council have questions.

Mayor Cain opened the public hearing, and with no speakers 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					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

OR3. OR08-2022-62 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±11.195 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT) FOR COMMERCIAL DEVELOPMENT, GENERALLY LOCATED 1,700 FEET WEST OF HIX ROAD, BETWEEN US HIGHWAY 67 AND KILPATRICK AVENUE, CASE ZC22-016.

Presented by: David Jones, Community Development Director

Summary: The applicant, Griffin Ellis, has submitted a request to rezone approximately 11.195 acres from IH (Interim Holding District) to RC (Regional Commercial District) for the property generally located 1,700 feet west of Hix Road, between U.S. Highway 67 and Kilpatrick Avenue. The applicant intends to rezone the subject property for future commercial development fronting onto U.S. Highway 67. The Planning and Zoning Commission considered this request at their August 8, 2022 meeting and recommended approval by a vote of 6-0.

Mayor Cain opened the public hearing, and with no speakers 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>

RS4. RS08-2022-113 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH CERTAIN PROPERTY OWNERS TO DELAY INSTALLATION OF REQUIRED LANDSCAPING MATERIALS DURING SPECIFIED DROUGHT CONDITIONS.

Presented by: David Jones, Community Development Department

Summary: Due to Stage 2 drought conditions that restrict unattended watering to one day per week, it is infeasible for builders to establish landscaping, particularly sod, until it can be watered sufficiently. The proposed resolution would authorize the City Manager to enter into an agreement with builders who are ready to occupy residential or commercial construction, but otherwise could not because required landscaping has not been installed. The agreement would bind the builder or developer, not necessarily the final building occupant or owner, to install the landscaping within a certain number of days or as drought restrictions allow.

Mayor Cain asked concerned the effect the recent rainfall may have had and whether drought restrictions will revert back to Stage 1. Mr. Hutt responded the lake has come up about 5 inches, but need 9 more inches to revert back to Stage 1 from the current level in Stage 2. Most of recent rain was soaked into the ground and did not run off into the lake.

Mayor Cain asked if the City should have a policy for situations like this in the future. Mr. Hutt replied there is such an exception in Stage 1, but not in Stage 2.

Gary Williams who works for D R Horton spoke on the effect of the current conditions and laying down new sod with the building of new homes right now and the ability of a new homeowner to get a certificate of occupancy on their new home. He was in support of the resolution.

Councilman Weathers asked concerning the code requirements and if a desert-type landscape design is allowed. Mr. David Jones responded current landscaping rules must include 50% grass.

Russell Miller, also with D R Horton, spoke concerning erosion and keeping dirt on a lot without grass. He was opposed.

Mayor Pro Tem Boedeker spoke concerning shifting the burden of the cost of the water to set the sod from the builder to the homeowner.

Mayor Cain, and Councilmen Weathers and Mann were in favor of giving staff some flexibility and consideration on a case by case basis. This option is already in the code.

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

OR4. OR08-2022-63 CONSIDER AN ORDINANCE AMENDING TITLE V: PUBLIC WORKS, CHAPTER 50: GARBAGE AND TRASH, SECTION 50.06: RATES FOR HAULING AND DISPOSING OF GARBAGE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City Council approved a contract with Waste Connections (dba Progressive Waste Solutions) on June 10, 2014 and the term of the contract is for a period of ten years, concluding on August 31, 2024. In accordance with the terms of the contract (Section 8.A.), the service provider has the right to adjust the rates based on the CPI-U, and has requested such increase to the City prior to July 31, 2022. The amended rates are in line with the CPI-U 9.1%, which is the revised Consumer Price Index rate for all urban consumers for Dallas/Fort Worth, or the U.S. City Average, whichever is less. Waste Connections will implement the increase effective October 1, 2022.

The service provider previously implemented rate increases in 2017, 2019 2020 and 2021. This ordinance amends Section 50.06 Rates for Hauling and Disposing of Garbage to reflect the rate adjustment authorized in the existing contract.

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>

RS5. RS08-2022-114 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH RNO CONSTRUCTION, LLC FOR THE EAST HENDERSON WATER LINE PROJECT FOR AN AMOUNT OF \$157,210, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS, AND ESTABLISHING A TOTAL PROJECT BUDGET AMOUNT NOT TO EXCEED \$190,000.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Several properties on East Henderson Street are currently provided water through a decades-old one-inch (1”) water line that runs through the properties and is not contained within an easement. The proposed project will replace that line with 1350 LF of new 8” water line contained within the Henderson Street right-of-way. Services to the properties will be extended to the new water line. In addition, the line will complete a loop that will improve water quality and pressures in the area, and add or replace 3 fire hydrants.

The City engaged engineering services to provide design for the project with Oller Engineering. The project was posted and advertised for bids on July 9th, with a bid opening on July 29, 2022. Ten (10) bids were received, with RNO Construction, LLC being the apparent low offer.

RNO Construction, LLC meets the minimum qualifications required by the contract documents and their total offer of \$157,210 is the lowest qualified bid. This project has a construction duration of 60 days. The proposed resolution will award the contract to RNO Construction, LLC, authorize the City Manager to execute the contract documents, and authorize the City Manager to utilize contingency funds in the amount of \$32,790.00 to execute change orders and provide construction testing services that may be required in order to complete the project. Funding for this contract is in the FY22 Budget in the Utility Fund, East Henderson Street Water Line project.

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		

RS6. RS08-2022-115 CONSIDER A RESOLUTION ADOPTING THE SPECIAL EVENTS POLICY FOR THE CITY OF CLEBURNE.

Presented by: Rob Severance, Chief of Police

Summary: The purpose of this policy is to facilitate activities that are safe, enjoyable and well-coordinated, and to provide guidelines by which the reviews, approvals, administration, and implementation of special events are consistent in nature. Attention is given to the use of City resources and infrastructure in support of such activities.

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>

RS7. RS08-2022-116 CONSIDER A RESOLUTION ADOPTING THE TRESPASS WARNING ON CITY PROPERTY POLICY FOR THE CITY OF CLEBURNE.

Presented by: Craig Huskey, Assistant Chief of Police

Summary: The City desires 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. For public safety reasons, staff recommends adoption of a resolution to provide a trespass policy under the City Manager’s authority to exclude unlawful and disruptive activities and persons from city property, buildings, and facilities while being within state and federal laws. The trespass policy acknowledges a person’s First Amendment right and does not prohibit a person from exercising those rights at any public forum.

Chief Huskey said a form has been created so the offender knows who to contact for an appeal and an information packet is being prepared for staff for implementation.

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>

RS8. RS08-2022-117 CONSIDER A RESOLUTION APPOINTING TWO CITY COUNCIL MEMBERS TO SERVE ON A COMMITTEE DESIGNATED TO REVIEW AND RECOMMEND UPDATES TO THE CURRENT LAND LEASE AND PERFORMANCE AGREEMENT WITH THE JOHNSON COUNTY HERITAGE FOUNDATION FOR OPERATION OF THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

Summary: The Johnson County Heritage Foundation (“Foundation”) has requested additional funding to offset increased expenditures related to operations of the Chisholm Trail Outdoor Museum (“CTOM”). As a condition of allocating additional funding, the current land lease and CTOM Chapter 380 Economic Development and Performance Agreement both need to be reviewed and updated with revised financial accountability, operational, and performance measures. It is requested two councilmembers assist in this process, in addition to two city staff members, to work with members of the Foundation on these document revisions.

The current land lease was approved by the City Council at its meeting held on July 12, 2005, and executed on March 20, 2006. The Chapter 380 agreement was originally executed on July 24, 2018, and re-approved in October of 2021.

Mr. Eason outlined the committee as being the following members meeting twice a year:

- Two Council Members
- Two City staff representatives (Parks & Recreation Director and Economic Development Manager)
- Two representatives from the Foundation (Foundation Chairman/CEO and President or other designee)
- CTOM on-site director

Glynis Golden spoke concerning the city support of the CTOM. She is an Oklahoma native and current resident of Grand Prairie and organizer of an indigenous event as well as retired in the field of financial investment. Ms. Golden spoke on behalf of the Indigenous Institute of America, an organization which has selected the CTOM as the site of their annual event which used to be held in Carrolton and is no longer able to provide parking or sufficient area to host the event. There were 14,000 who attended last year and the attendance is expected double this year. The organization would like to sponsor the building of a Pueblo oven and sweat lodge built by workers from New Mexico. These are family friendly events with several sponsors. They look forward to continue using the CTOM for their event.

Mayor Pro Tem Boedeker nominated Councilman Weathers to serve on the committee.
 Mayor Cain nominated Councilman Mann to serve on the committee.

MOTION: to appoint Councilman Weathers and Councilman Mann

	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>

Mayor Pro Tem Boedeker recused himself from discussion and voting on **Item #RS9** due to a conflict of interest and has filed a conflict of interest affidavit with the City Secretary’s Office.

RS9. RS08-2022-118 CONSIDER A RESOLUTION AUTHORIZING A RENEWAL OF THE INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR THEIR ANNUAL CONTRIBUTION TO CITY/COUNTY TRANSPORTATION.

Presented by: Rhonda Daugherty, Director of Finance

Summary: City/County Transportation wishes to renew its annual Interlocal Agreement with Johnson County for their annual contribution to the program. Each year, Johnson County contributes funds to the daily operation of City/County Transportation. These funds assist City/County Transportation with the local match portion that is required by the City’s federal grant. Johnson County's annual contribution for Fiscal Year 2023 will be \$63,693. This agreement includes a renewal option, allowing the parties to renew for four (4) additional one-year terms, with a final expiration of September 30, 2027. Upon approval by City Council, the signed Interlocal Agreement will be submitted to Johnson County Commissioners' Court for inclusion on their agenda for approval and execution at the next Commissioners’ Court meeting immediately following their receipt of the signed Agreement.

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		

DISCUSSION & UPDATES

OC3. DISCUSS THE ADDITION OF A 9-11 MEMORIAL AT MCGREGOR PARK.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The Cleburne Fire and Police Departments approached the Parks & Recreation Department in April of 2022 with the idea of readdressing a September 11 Honor Monument at McGregor Park.

The original project was designed in 2012 and incorporated a monument to be placed on the west side middle open grass area. The design included elements honoring Police, Fire, and Military. The focal point of the plan had a metal I beam from the Twin Towers.

After an initial conversation about the project, the parks and recreation team recommended changing the location to the pond area at the park. The pond no longer retains water, nor does it have a reliable source to maintain water levels and would require filling from a potable water source. The parks team has explored various opportunities to renovate the pond; however, each option was costly, and none provided a reliable water source. The original area of

consideration, the grass lawn, serves as the open lawn grounds of the park and is the only irrigated open lawn in the entire park system. The parks, fire, and police teams will work with the original designer, who provided their plans free of charge, to review and update the plan.

At their August 1, 2022 meeting, the Parks & Recreation Advisory Board unanimously recommended moving forward with filling in the existing pond at McGregor Park and partnering with the Fire and Police Departments to create a September 11 Honors Monument, with funds to be supplied through donations.

Council supports the idea of creating the honor memorial where the pond currently exists and is in favor of staff moving forward with funding raising efforts to finish this project. No formal action was taken.

OC4. DISCUSS AMENDING CHAPTER 150 OF THE CODE OF ORDINANCES BY ADOPTING THE 2021 ICC MODEL BUILDING CODES AND ASSOCIATED NCTCOG AMENDMENTS.

Presented by: David Jones, Community Development Director

Summary: The purpose of this update is to make the Council aware of major changes introduced in the 2021 International Code Council (ICC) model building codes that are currently being reviewed by City staff and to answer any questions regarding the nature or impact of these changes. Generally speaking, the 2021 codes contain minor updates from the 2015 codes currently used by the City. There are, however, additional requirements in the electrical code and energy code that would apply to all new houses constructed in the city that will add a nominal cost to construction but will improve life safety and home efficiency for occupants.

Cleburne has operated under the 2015 ICC building code cycle since September of 2017. Adopted codes include the International Building Code, Plumbing Code, Electrical Code, Mechanical Code, Residential Code, Energy Code, and Fuel Gas Code.

The ICC updates these codes on a 3-year cycle, though it is customary for cities to skip adoption of a cycle, given the generally-minimal impact of changes for each cycle. The North Central Texas Council of Governments (NCTCOG) reviews the ICC codes each cycle and develops amendments that are specific to the North Texas region. Cities may also develop their own amendments in addition to NCTCOG's that are tailored to their local building environment.

In addition to this Council briefing, City staff are scheduled to present the updates to the Johnson County Builders Association in October.

This item was informational and no formal vote was taken.

Mayor Cain recessed the Regular Council Meeting at 7:17 pm to discuss items legally posted and discussed 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 and Section 551.072. Deliberation Regarding Real Property The City Council will convene into executive session to receive legal advice from the City Attorney 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 the provisions of Chapter 551 and to deliberate the purchase, exchange, lease, or value of real property related to the following:

EXE1. Discuss City-owned Real Property located at 1801 Sparks Drive

Section 551.087. Deliberation Regarding Economic Development Negotiations This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EXE2. Discuss request for economic development incentives related to proposed retail project at 1663 West Henderson Street

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:

EXE3. Discuss pending litigation: US District Court Civil Action No. 3:22-cv-01483-X, Aaron Urbanski

Section 551.074. Deliberation regarding Personnel Matters and Section 551.071. Consultation with Attorney The City Council may convene in 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 and/or to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees:

EXE4. Succession planning for City Management

Mayor Cain reconvened into open session at 8:09 pm and no formal action was taken resulting from items legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 8:10 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: SEPTEMBER 13, 2022