



CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 22, 2020 @ 5:00 PM
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

- | | |
|---------------------------------------|---------------------------------|
| <u>City Council:</u> | <u>Administration:</u> |
| ✓ Scott Cain, Mayor | ✓ Steve Polasek, City Manager |
| ✓ Dr. Bob Kelly, SMD 1 | ✓ Ashley Dierker, City Attorney |
| ✓ Chris Boedeker, Mayor Pro Tem/SMD 2 | ✓ Ivy Peterson, City Secretary |
| ✓ Mike Mann, SMD 3 | |
| ✓ John Warren, SMD 4 | |

II. INVOCATION by Councilman John Warren

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
☆ Dr. Kyle Heath, Superintendent of the Cleburne Independent School District presented the City with a certificate of recognition for “Standing Up and supporting public schools in our community” through participation in the Operation Connectivity Program.

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 with no separate action of these items.

MN1. CONSIDER MINUTES FOR THE SEPTEMBER 8, 2020 REGULAR COUNCIL MEETING.

RS1. RS09-2020-97

CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 13, 2020 AT 11:59 P.M. CENTRAL STANDARD TIME.

Presented by: Steve Polasek, City Manager

BRIEF: 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 is for a period of seven days. In order to extend the Declaration, the City Council must consent to an extension pursuant to 418.108(b) of the Texas Government Code.

The Council has approved extensions to the Declaration on March 13th by RS03-2020-32 until March 29th, on March 24th by RS03-2020-35 until April 14th, on April 14th by RS04-2020-45 until April 28th, on April 28th by RS04-2020-49 until May 12th, on May 12th by RS05-2020-54 until May 26th, on May 26, 2020 by RS05-2020-59 until June 9th, on June 9, 2020 by RS06-2020-61 until June 23rd, on June 30, 2020 by RS06-2020-73 until August 3rd, on July 28, 2020 by RS07-2020-81 until August 11th, on August 11, 2020 by RS08-2020-84 until August 25th, on August 25, 2020 by RS08-2020-88 until September 8th, and on September 8, 2020 by RS09-2020-90 until September 22nd.

Following Governor Abbott’s announcement of Open Texas, the City 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 October 13, 2020 at 11:59 p.m. central standard time.

RS2. RS09-2020-98

CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO DESIGNATE CARES ACT FUNDING IN THE AMOUNT OF \$15,000 TO CLEBURNE INDEPENDENT SCHOOL DISTRICT FOR THE PURCHASE OF MOBILE HOTSPOTS AS PART OF THE TEXAS EDUCATION AGENCY’S OPERATION CONNECTIVITY PROGRAM.

Presented by: Steve Polasek, City Manager

BRIEF: As part of the Federal CARES Act, the Coronavirus Relief Fund (CRF) was created to provide financial relief to state and local governments. Texas was allocated \$11.25 billion and from that amount, the City of Cleburne was designated up to \$1.77 million. The Texas Department of Emergency Management (TDEM) is responsible for managing these funds, which are available to local governments on a reimbursement basis. Further, the State has mandated that seventy-five percent of actual expenditures must be for medical expenses, public health expenses and payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. The remaining twenty-five percent of expenditures shall be designated for expenses of actions to facilitate compliance with COVID-19 related public health measures, expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the fund’s eligibility criteria. To date, the City currently has an estimated \$400,000 in expenses (non-verified by TDEM) related to the seventy-five percent category. This would allow for approximately \$130,000 in expenses from the twenty-five percent category, which may include expenses to facilitate distance learning (mobile hotspots).

The City was recently approached by both Cleburne ISD and Joshua ISD seeking participation in the TEA’s Operation Connectivity program (*Given the small number of Joshua ISD students living in the City of Cleburne and minimal funding they would receive based on per capita distribution, Joshua ISD has withdrawn their request.*) The program provides a dollar per dollar match for CRF funds designated to the program by local governments. As CARES Act monies were not directly provided to school districts for remote learning expenses, Cleburne ISD had to expend

\$66,130 out of their operating budget to pay their share of the cost toward supplying mobile hotspots.

If approved, the City would designate \$15,000 of our designated CRF funds to Cleburne ISD as part of Operation Connectivity. These monies would then be matched dollar per dollar by the TEA resulting in a thirty-thousand dollar (\$30,000) reduction in expenditures by Cleburne ISD. There are approximately 5,454 Cleburne ISD students living within our city limits.

If approved, this would leave approximately \$115,000 in the twenty-five percent category that could be used for other eligible expenses including grants to small businesses to reimburse the costs of business interruptions related to required COVID-19 closures.

RS3. RS09-2020-99

CONSIDER A RESOLUTION AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PERMIT FOR THE REMAINDER OF 2020 TO PDK TRANSPORTATIONS, LLC FOR PROVIDING TRANSPORTATION SERVICES-FOR-HIRE IN THE CITY OF CLEBURNE.

Presented by: Ivy Peterson, City Secretary

BRIEF: PDK Transportations, LLC has submitted an application for a permit renewal to continue operating a transportation-for-hire business in Cleburne. PDK's initial permit was approved by Council for the year 2018 and was renewed for 2019.

Due to the pandemic, PDK temporarily closed operations, but is now ready to move forward with providing services in the Cleburne area. PDK has submitted their renewal application for a permit to resume business for the remainder of 2020 effective through December 31st at which time they will need to reapply for the 2021 year.

To mitigate the spread of COVID-19, PDK is implementing the following protocols:

- Drivers will be required to wear masks,
- The partition will be closed between the driver and the passengers,
- The vehicle's interior will be completely sanitized after each use and all the interior glass and windows washed, and
- There will be signage posted that each customer is requested to wear a mask except when eating or drinking. There will be a maximum of 10 people to a group and that will only be family or friends of the person renting the vehicle.

Title XI: Business Regulations, Chapter 117 of the Code of Ordinances regulates taxis and buses. Some provisions in the code do not apply to a reservation-type transportation service; however, the applicant has complied with all the relevant requirements and is included in the backup, including proof of liability insurance and vehicle inspection.

Ms. Meagan Danley, proponent was present should the Council have questions.

RS4. RS09-2020-100

CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BASILEIA, LLC FOR REIMBURSEMENT OF \$5,000 FOR FAÇADE IMPROVEMENTS TO PROPERTY LOCATED AT 216 EAST CHAMBERS STREET.

Presented by: Grady Easdon, Economic Development Manager

BRIEF: Ms. Oliveira has submitted an application under the terms of the City's Façade Improvement program seeking funding for upgrades and enhancements to exterior street-facing

facades on their property located at 216 East Chambers Street. Repairs and upgrades include installing three new tempered glass front windows, installing a new laser-cut sign, and installing a new industrial garage door with half glass. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements is \$8,133; therefore \$4,067 would be the maximum match by the City.

RS5. RS09-2020-101

CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AND PERFORMANCE AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION, INC FOR SERVICES PERFORMED AT THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

BRIEF: The Chisholm Trail Outdoor Museum (“CTOM”) has been in continuous operation on City of Cleburne Property west of Lake Pat Cleburne along Hwy. 67 since 2005, when a lease agreement was executed between the City and Johnson County Heritage Foundation Inc. (the “Foundation”). Since that time, several exhibits have been added and events such as the annual Pioneer Days Festival have been implemented, all of which have dramatically increased tourism traffic to the CTOM and Cleburne’s hotels and motels, restaurants, and shopping and entertainment venues. Additionally, the Foundation continues to construct new facilities to accommodate increased attendance and house additional displays.

As a result of the increased traffic, maintenance and operation of the facilities, and the fact that the CTOM is a 501(C) (3) organization staffed by volunteers, and through the monetary support of the City of Cleburne implemented through a 380 Agreement approved by Council in July 2018, the Foundation was able to hire a part-time administrator to head operations, maintenance, and marketing of the CTOM. The Foundation has requested once again that the City of Cleburne assist financially in subsidizing the salary of this position at \$20,000 annually for a minimum of 20 hours per week devoted to the position.

City staff recognizes the CTOM continues to experience increased attendance and exposure, and that the venue is an excellent tourist draw that promotes Cleburne’s pioneer heritage and direct ties to history of the Chisholm Trail. Therefore, staff is requesting renewal of the Agreement utilizing incentives available under Chapter 380 of the Texas Local Government Code be authorized to fund this position at \$20,000 annually, with payments made to the Foundation on a quarterly basis.

In return for the City’s investment, the Foundation will:

- Continue to employ a qualified individual to serve as Administrator in charge of daily operations of the CTOM, working no less than 20 hours per week with hours to be determined by the Foundation, to be responsible for daily operations of the CTOM and coordination of events and activities at the facility;
- Promote the CTOM through available means (electronic and print media) to increase tourism, working with the Chamber of Commerce and the City of Cleburne as needed;
- Conduct a minimum of two (2) CTOM-related events at Market Square annually in order to promote that facility and draw additional traffic to downtown Cleburne unless Local or State government Orders related to the COVID-19 pandemic preclude gatherings at the facility;
- Provide an accounting of the part-time Administrator’s hours worked and summary of activities, upcoming promotions, etc. of the CTOM.

RS6. RS09-2020-102**CONSIDER A RESOLUTION AFFIRMING THE ANNUAL REVIEW OF THE INVESTMENT STRATEGY AS A PART OF THE INVESTMENT POLICY FOR THE CITY OF CLEBURNE.**

Presented by: Troy Lestina, Director of Finance

BRIEF: The Public Funds Investment Act, Government Code 2256, requires that public entities have an investment policy and have several provisions regarding permissible investments, diversification, ethics, training and reporting. There is a requirement in the Public Funds Investment Act, Government Code 2256.005 that the governing body review and affirm the investment strategy annually. Below is the investment strategy by fund type (operating, debt service, debt service reserve, and special revenue/purpose, as contained in the City's investment policy adopted by City Council on July 12, 2016 (RS07-2016-51) for the Council's annual review and affirmation of the investment strategy.

INVESTMENT STRATEGY - The City maintains portfolios, which utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios:

A. Investment strategies for operating funds and commingled pools containing operating funds have as their primary objectives to protect principal and to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short- to medium-term securities, which will complement each other in a laddered or barbell maturity structure. The maximum stated final maturity date of any individual investment shall not exceed two years. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each security.

B. Investment strategies for debt service funds shall have as the primary objectives to protect principal and to assure investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall be of high quality and not have a stated final maturity date, which exceeds the next unfunded debt service payment date. The weighted average maturity shall not exceed one year.

C. Investment strategies for debt service reserve funds shall have as the primary objectives to protect principal and to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility. Securities should be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. Such securities will tend to hold their value during economic cycles. The maximum stated final maturity date of any individual investment shall not exceed the lesser of three years or the final maturity date of the underlying bond issue.

Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to protect principal and to assure that anticipated cash flows are matched with adequate investment liquidity to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held shall not exceed the lesser of the anticipated cash flows, or the estimated project completion date.

RS7. RS09-2020-103**CONSIDER A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH THELIN RECYCLING SERVICES FOR ANNUAL GRINDING SERVICES.**

Presented by: Jeremy Hutt, Director of Public Works

BRIEF: In 2018, sealed bids were solicited for annual grinding services for the Transfer Station for an initial twenty four (24) month term with three (3) additional one-year options to renew. Bids were received from two (2) vendors. The lowest, most responsible bid was received from Thelin Recycling for the following options:

<u>Description</u>	<u>Unit Price</u>	<u>Estimated Quantity</u>	<u>Total Base Bid</u>
Single Grind	1.25/Cubic Yard	17,500 Cubic Yards	\$21,875.00
Double Grind	\$1.75/Cubic Yard	17,500 Cubic Yards	\$30,625.00

On August 18, 2018 the original contract was awarded (Resolution RS08-2018-64) to Thelin Recycling and has completed the initial 24-month term of the agreement. Thelin Recycling has performed the duties of the contract and staff is recommending approving the first of three (3) possible one-year extensions. The proposed resolution also authorizes the City Manager to execute the remaining renewals if the vendor continues to provide acceptable service levels in accordance with the terms of the contract.

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

Presented by: Troy Lestina, Director of Finance

MOTION: to approve as presented in its entirety

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly		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>

RESOLUTIONS

RS8. RS09-2020-104

CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH SALDENA PROPERTIES L.P. FOR CONSTRUCTION OF A MULTI-FUNCTION TRAVEL CENTER TO BE LOCATED AT 2825 NORTH NOLAN RIVER ROAD.

Presented by: Grady Easdon, Economic Development Manager

BRIEF: Saldena Properties, L.P., a subsidiary of Victron Energy, has contracted to acquire a portion of the property at 2825 N. Nolan River Rd., adjacent to Zimmerer Kubota, and intends to construct a large-format travel center of at least 9,000 square feet. The travel center will contain the flagship barbeque restaurant Texas Best Smokehouse in addition to Jimmy John’s Gourmet Sandwiches, a full-service convenience store, and seven (7) fueling islands with nationally-branded fuel. The facility will also include such amenities as a large pond with fountains, benches, numerous

landscaping features, and a dog park. The design elements of the facility will be a reflection of Cleburne’s history and heritage, depicted in wall-sized murals on the East, West, and South sides of the building and also including various other features.

The Company is requesting financial incentives in the form of property tax abatements for a term of eight (8) years in order to make their project financially viable. The proposal under consideration is a Chapter 380 Economic Development Incentive Agreement that includes the Legal Description as Exhibit “A” allows for annual payments of an amount equal to 100% of the City’s portion of assessed and collected property taxes on the land and eligible improvements, with a total not to exceed \$200,000 over an eight (8) year term. The annual payments will be based on the value assessed to the property and eligible improvements by Johnson County Central Appraisal District (JCAD), and the Agreement will terminate at the end of the eight-year period or payment of the \$200,000.00, whichever occurs first.

The annual payments to the Company would occur as follows:

- First payment shall occur after the property has been assessed by JCAD as of January 1, 2022 and Ad Valorem taxes have been paid, but not later than March 31, 2022
- Subsequent payments shall occur annually, not later than March 31 for the remaining term of the Agreement, subject to Company’s payment of Ad Valorem taxes.

In exchange for payments as allowed per the terms of the Agreement, the Company will be required to meet the following terms and conditions:

- Company shall have obtained a building permit within 180 days of the effective date of the Agreement
- Company shall obtain a certificate of occupancy on the eligible improvements by no later than 90 days from the completion of the project construction
- Company shall construct, at a minimum, a facility comprised of the following:
 - Texas Best Smokehouse BBQ Restaurant
 - Jimmy John’s Gourmet Sandwiches, or a nationally branded equivalent
 - Seven fueling islands with nationally-branded fuel
 - Full-service convenience store
- Company shall remain current on Ad Valorem tax payments throughout the term of the Agreement

Additionally, certain design and development standards must be met as a condition of annual payments under the terms and conditions of the Agreement as defined in Exhibit “B”, and the improvements shall be generally consistent as determined by the City with the attached Site Plan as depicted in Exhibit “C”, and Concept Plan/Renderings as depicted in Exhibit “D”.

The Agreement also contains provisions that allow for termination of the Agreement if any Event of Default should occur, with certain timelines to allow for curing of such default(s) prior to termination.

Proponents Mr. Mohamed Sharaf and Mr. Nick Vasquez were available should the Council have questions.

Motion: to approve as presented

Motion	Second	Aye	No	Abstain	Absent	Result
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Kelly			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>

RS9. RS09-2020-105

CONSIDER A RESOLUTION AUTHORIZING A RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT WITH JOHNSON COUNTY FOR THE PROVISION OF JAIL SERVICES.

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: Rob Severance, Chief of Police

BRIEF: Since 2001, the City of Cleburne has had an agreement in place with Johnson County for the incarceration of the City’s Class C Misdemeanors. Incarceration of all other prisoners is provided under other agreements and state statutes. This proposed Interlocal Agreement is a renewal changing the per-day rate from \$49.84 to \$50.71. The estimated annual cost is \$25,000, which is an increase of approximately \$225.00 and has been included in the FY 2021 budget.

Motion: to approve as presented

	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>

RS10. RS09-2020-106

CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC FOR ADDITIONAL EFFORT REQUIRED TO COMPLETE THE DESIGN, BIDDING, AND CONSTRUCTION-PHASE SERVICES ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT EXPANSION AND THE WEST LOOP REUSE PUMP STATION AND PIPELINE PROJECTS FOR AN INCREASED AMOUNT OF \$240,000.

Presented by: Jeremy Hutt, Director of Public Works

BRIEF: The original agreement with Freese and Nichols, Inc. (FNI), in an amount not to exceed \$5,992,845, was approved on May 28, 2019 by Resolution RS-05-2019-42. The contract included the design, bidding, and construction-phase services associated with the City of Cleburne Wastewater Treatment Plant Expansion and West Loop Reuse Pump Station and Pipeline Projects.

This design project includes several major components including the Wastewater Plant Expansion, the Reuse Pump Station, and the Reuse Pipeline. In order to take advantage of economies of scale these projects were combined into a single design contract. This is a complex project with multiple elements requiring extensive work to produce the engineered design and specifications for construction.

The original total cost of the agreement was set as a not to exceed amount of \$5,992,845, however due to additional efforts of design, shifting requirements of TCEQ, and the project coordination with the regulatory agencies the original contract amount is insufficient. The proposed amendment will provide additional funding in the amount not to exceed \$245,703.74 and will cover the unforeseen costs of additional project design, permitting coordination, and design elements required to meet the shifting TCEQ requirements. The additional effort has included:

1. Chemical feed, storage and automation improvements for the proposed Treatment Train No. 3 to control effluent total phosphorus concentrations in accordance draft TCEQ permit requirements
2. Additional regulatory support including TCEQ regulatory and permitting assistance related to the addition of proposed stringent permit limits on Outfalls 001 and 003, and additional coordination with TCEQ, TWDB and other regulations regarding plant expansion and reuse designs beyond the original scope of work
3. Influent Pump Station alternatives development and design
4. Diversion improvements to route effluent flow from the proposed Treatment Train No. 3 to the existing East Loop Reuse Pump Station inclusive of a new diversion structure effluent metering structure and 12” pipeline as well as re-design of the UV disinfection structure (which previously included the effluent metering)
5. Diversion improvements to route flow from the New Plant Headworks to the existing Peak Flow Basin

As a result of a previous design project being completed under the original contract amount, funds are available from the unspent portion of the recently completed “City of Cleburne Water Supply and Reuse Integration Master Plan Project”. The unspent portion of this contract is sufficient to cover the projected costs of these additional design and coordination efforts.

Staff has been working on a resolution to TCEQ’s new requirements. Accepting the requirement would mean approximately \$4 million in increase costs to the current expansion project and another \$250,000 annually to meet those standards. The City has engaged the legal services of Lloyd Gosselink Rochelle & Townsend, PC to assist with communication efforts with TCEQ.

Freese and Nichols representatives Mr. Nick Landes and Mr. David Jackson were available via teleconference should the Council have questions.

Motion: to approve as presented with an amended amount up to \$245,703.74

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

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

RS11. RS09-2020-107

CONSIDER A RESOLUTION AUTHORIZING AN ASSIGNMENT OF LEASE FROM PANTHER AVIATION, INC AND A NEW AIRPORT LAND LEASE AGREEMENT WITH DANIEL W. GRIFFITH FOR T-HANGAR TRACTS #200 AND #600 AT THE CLEBURNE REGIONAL AIRPORT.

Presented by: Sharlette Wright, Airport Manager

BRIEF: Panther Aviation, Inc. would like to sell their T-Hangars at Tracts 200 & 600 to Daniel W. Griffith. In order for the sale to be executed, per ordinance, City Council has to grant approval of the sale of the Lease Hold Estate by Panther Aviation, Inc. to Mr. Daniel Griffith. If approved by Council, Mr. Griffith is requesting to enter into a new Land Lease agreement of 30 years with a 10-year extension at the expiration of the initial term of the Lease Agreement.

Motion: to approve as presented

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

ORDINANCES

OR1. OR09-2020-51

PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±8.43 ACRES FROM C2 (GENERAL BUSINESS DISTRICT), C3 (COMMERCIAL DISTRICT) AND SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED ON THE EAST SIDE OF GRANBURY STREET, ON THE WEST SIDE OF MEADOWS DRIVE AND APPROXIMATELY 250 FEET SOUTH OF WEST KILPATRICK AVENUE; AS REQUESTED BY M. SHARP FAMILY, LP, REPRESENTED BY CORY MURRAY, CASE ZC20-015.

Presented by: Shane Pace, Executive Director of Development Services

BRIEF: The applicant has requested to rezone approximately 8.43 acres from C2 (General Business District), C3 (Commercial District), and SF-4 (Single-Family Dwelling District) to PD (Planned Development District) for the property generally located south of W. Kilpatrick Avenue, between Granbury Street and Meadows Drive.

The Planned Development is for a single-family residential development, to be known as Craftsman’s Corner. The proposed development will contain forty (40) single-family lots, with an average lot area of 6,306 square feet. The applicant is requesting a base zoning of the SF-4 District with deviations, including minimum lot area and building setbacks. The applicant is proposing

amenities including residential landscaping and architectural design standards. *See Staff Report full development plan details.*

The Planning and Zoning Commission considered this request at their September 14, 2020 meeting and recommended approval with the conditions as outlined below with a vote of 5-0:

- i. All homes within the development be limited to one-story;
- ii. Revise the front yard setback to 25-feet;
- iii. All lots will have an automatic sprinkler system for the front and side yards; and
- iv. For any building materials outside of masonry, limit to the use of LP smart siding, Hardie siding or equivalent material.

Proponent Cory Murray was available 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 including the recommendations by the Planning and Zoning Commission

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

OR2. OR09-2020-52

PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±18.1 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO M2 (HEAVY INDUSTRIAL DISTRICT), LOCATED AT 3720 LESIKAR LANE; AS REQUESTED BY RED GIANT OIL, LLC, REPRESENTED BY WILLIAM MILLER, CASE ZC20-017.

Presented by: Shane Pace, Executive Director of Development Services

BRIEF: The applicant has requested to rezone approximately 18.1 acres from IH (Interim Holding District) to M2 (Heavy Industrial District) located at 3720 Lesikar Lane. The applicant has indicated their intent to build a warehouse with office space. The property, upon being annexed into the City Limits in 2012, was given a zoning designation of IH (Interim Holding District). The property has maintained that zoning designation until such time that new development is proposed, then a rezoning request is required in order to develop.

The properties to the north and east are a mixture of M2 (Heavy Industrial District) and IH (Interim Holding District). There are several industrial uses to the northeast as well as several undeveloped tracts of land in the immediate vicinity. The properties to the southwest, across the railroad tracks and Weatherford Highway, are located in the City’s Extraterritorial Jurisdiction (ETJ) and there are several existing single-family homes.

The Future Land Use Plan shows this property to be located in the Transportation and Industry District, whose purpose is to establish appropriate land use transitions and adjacent uses for

existing transportation and industrial areas outside of the Industrial Targeted Development Area. The proposed rezone request is consistent with the intent of the Transportation and Industry District.

A total of three (3) property owners within 200 feet were notified of this rezoning request. Staff did not receive any responses in support of or in opposition to this request.

The Planning and Zoning Commission considered this request at their September 14, 2020 meeting and recommended approval by a vote of 5-0.

Proponent Mr. William Miller was present 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
Kelly		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>

OR3. OR09-2020-53

****PUBLIC HEARING**** **CONSIDER AN ORDINANCE REZONING ±0.46 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 412 AND 416 EVANS STREET; AS REQUESTED BY GARZA GROUP, REPRESENTED BY COLBY GARZA, CASE ZC20-018.**

Presented by: Shane Pace, Executive Director of Development Services

BRIEF: The applicant has requested to rezone approximately 0.46 acres from M1 (Light Industrial District) to SF-4 (Single-Family Dwelling District) located at 412 and 416 Evans Street. The applicant has indicated their intent to build two (2) single-family residences.

The subject property is currently two lots of record, Lots 6 and 7, Block 166 of Original Cleburne. Although the SF-4 District requires a minimum lot area of 7,000 square feet and a minimum lot width of 60 feet, Lot 6 is approximately 50 feet in width and Lot 7 is approximately 52 feet in width. Both lots meet the minimum lot area requirement of 7,000 square feet, with Lot 6 being 7,000 square feet and Lot 7 being 12,574 square feet. These lots have existed in this configuration since before the establishment of the rules and regulations of the Zoning Ordinance (March 22, 1996). Section 155.08 (J) allows lots of record to be used for any valid use, provided that the setbacks, height, parking and all other development regulations are satisfied.

The properties to the north, south and west are similarly zoned M1 (Light Industrial District), while the properties to the east are zoned SF-4 (Single-Family Dwelling District). There are several existing single-family homes to the east and south, an industrial use to the north, and several undeveloped tracts of land to the west of the subject property.

The Future Land Use Plan shows this property to be located in the City Center East District, whose purpose is to improve neighborhood definition by promoting infill development. The proposed rezone request is consistent with the intent of the City Center East District.

A total of ten (10) property owners within 200 feet were notified of this rezoning request. Staff did not receive any responses in support of or in opposition to this request.

The Planning and Zoning Commission considered this request at their September 14, 2020 meeting and recommended approval by a vote of 5-0.

Proponent Colby Garza was available via teleconference 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.

The mayor expressed appreciation to Mr. Garza and others for their help in revitalizing Cleburne’s east side and commended the Planning and Zoning Commission for their hard work as well.

Motion: to approve as presented

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

The Regular Council Meeting recessed at 6:05 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. ~~Discuss Municipal Utility District – Shane Pace, Executive Director of Development Services~~
- EXE2. Discuss City of Cleburne Water Reuse System and potential contract provisions related to operation of the System – Jeremy Hutt, Director of Public Works

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 Vietron Energy project and their request for economic development incentives — Grady Easdon, Economic Development Manager and Shane Pace, Executive Director of Development Services~~

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:

EXE4. Discuss status of eminent domain proceedings for the purpose of obtaining easements on property located at the northwest corner of North Main Street (SH 174) and Mt. Carmel Road (CR 903) for construction and maintenance of the 174 North Interceptor, North Extension Line A – Jeremy Hutt, Director of Public Works

Mayor Cain adjourned the closed meeting and reconvened into open session at 6:44 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNMENT: 6:44 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: October 13, 2020