



CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 28, 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 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, Mayor✓ 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 Billy Phillis, The Heights Church

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
The Mayor 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. Presentation – Update on the American Rescue Plan Act of 2021, Rhonda Daugherty, Director of Finance

Mrs. Daugherty provided an update on the American Rescue Plan Act and reported the City will receive 7.7 million dollars. Fifty percent of the funds are to be distributed by the state within 30 days. The City received \$3,877,230.64 in August of 2021. The other 50% is reported to be distributed no sooner than 12 months later. Mrs. Daugherty explained the city's requirements on compliance reporting and when it is to be completed as well as what constitutes eligible/non eligible uses of the funds. The recommended plan for the funds by staff is then brought to Council for consideration, that

being City of Cleburne Vaccination HUB, GFOA's ARPA Revenue Replacement Calculator, and Water Reuse Line.

CMP2. Presentation – Utility Billing Update, Steve Polasek, City Manager

Mr. Polasek explained that during the month of July the city had to implement an “average billing method” for two of the five zones in the city (zones 3 and 4) due to staff shortages. Mr. Polasek explained the permissible aspects of average billing methods and how the system figures the totals and the difference on average was \$45.24. There will be no carry overs now that live reads on meters are being done and citizens can contact the Utility Billing Department should they have questions or concerns through this process.

CMP3. Presentation – Stop Sign Signage Implementation and Usage, Jeremy Hutt, Director of Public Works

Mr. Hutt provided an explanation on when and when not-to-use stop signs, and what those requirements are for the placement of signs. Signs are installed when established guidelines that are regulated by the Manual of Uniform Traffic Control Devices (MUTCD) are met. Hutt discussed the possible implementation of signage at residential locations where stop controls already exist, but has no signage. Mayor Cain inquired if a community survey could be conducted in the residential areas where the signs are being contemplated.

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 SEPTEMBER 14, 2021 REGULAR COUNCIL MEETING.

RS1. RS09-2021-120 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL OCTOBER 12, 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 October 12, 2021 at 11:59 p.m. central standard time.

RS2. RS09-2021-121 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH DALE S. HANNA FOR PROPERTY LOCATED AT 113

**SOUTH CADDO STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE
FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE
PROGRAM.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Hanna has submitted an application under the terms of the City's Façade Improvement program for reimbursement of expenses related to eligible improvements to property located at 113 S. Caddo Street. Planned improvements consist of removing deteriorating parking surface, replace with cushion sand, rebar, and pour 5-inch thick concrete slab. Also included in the project is painting the storefront and remove and/or replace deteriorating stucco siding.

Total cost of improvements is \$13,500.00; therefore, the reimbursement would be the maximum \$5,000.00 match. Should this request be approved, there would be \$3,773.00 in program funds remaining for FY 2021 after the budget amendment adding \$10,000 to the program was approved at the August 10, 2021 City Council meeting.

**RS3. RS09-2021-122 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER
380 AGREEMENT WITH DALE S. HANNA FOR PROPERTY LOCATED AT 113
SOUTH CADDO STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE
DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT
MATCHING INCENTIVE PROGRAM.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Hanna has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 113 S. Caddo Street. The scope of work includes reconfiguring the roof at the northeast corner of the building to match the roofline of the original structure, which will also require additional structural framing work to the interior of the building.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$32,694.00, so the reimbursement would be \$16,347.00. If this request is approved, there would be \$25,653.00 remaining for other projects for FY2021.

**RS4. RS09-2021-123 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER
380 AGREEMENT WITH FERNANDO RODRIGUEZ FOR PROPERTY LOCATED
AT 102 SOUTH MAIN STREET, UNDER THE TERMS OF THE CITY OF
CLEBURNE DOWNTOWN BUILDING REHABILITATION ECONOMIC
DEVELOPMENT MATCHING INCENTIVE PROGRAM.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Rodriguez has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 102 S. Main Street. The scope of work includes replacement of three rooftop HVAC units (two are 5-ton heat pump units and one is a 3.5-ton heat pump unit). The project will require rental of a 60-ton crane to remove the old units and replace with new ones.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$29,300.00, so the reimbursement would be \$14,650.00. If this request is approved, there would be \$11,003.00 remaining for other projects for FY2021.

RS5. RS09-2021-124 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH FERNANDO RODRIGUEZ FOR PROPERTY LOCATED AT 104 SOUTH MAIN STREET, UNDER THE TERMS OF THE CITY OF CLEBURNE DOWNTOWN BUILDING REHABILITATION ECONOMIC DEVELOPMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Rodriguez has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to his property located at 102 S. Main Street. The scope of work includes replacement of two rooftop HVAC units (one 5-ton heat pump unit and one 4-ton heat pump unit), converting from gas to electric units. The project will require rental of a 60-ton crane to remove the old units and replace with new ones.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$13,650.00, so the reimbursement would be \$6,825.00. If this request is approved, there would be \$4,178.00 remaining for other projects for FY2021.

RS6. RS09-2021-125 CONSIDER A RESOLUTION AUTHORIZING A RENEWAL AGREEMENT WITH JOHNSON COUNTY HERITAGE FOUNDATION, INC. PER CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE PURPOSE OF FUNDING A PART-TIME ADMINISTRATOR TO OPERATE AND MANAGE THE CHISHOLM TRAIL OUTDOOR MUSEUM.

Presented by: Grady Easdon, Economic Development Manager

Summary: 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 new events have been added such as the monthly bluegrass festival, in addition to other events such as the annual Pioneer Days Festival. The current on-site administrator, Ms. Carrie Reynolds, is an excellent promoter and constantly works toward adding new events and marketing the museum not just locally but on a statewide and national level.

City staff recognizes that 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.

RS7. RS09-2021-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AUTHORIZING COOPERATIVE PURCHASING AND SERVICES FOR TECHNOLOGY SOLUTIONS THROUGH A MEMBERSHIP WITH MiCTA, A MICHIGAN NONPROFIT CORPORATION; PROVIDING AN EFFECTIVE DATE.

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City of Cleburne desires to utilize cooperative purchasing through MiCTA on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by multiple governmental entities. MiCTA offers discounted technology solutions negotiated through a competitive procurement process, including Spectrum fiber network services. The City will receive better pricing for Spectrum fiber services by purchasing via MiCTA rather than the DIR contract offered by the Texas Department of Information Resources. All competitive purchasing requirements have been met by MiCTA.

OR1. OR09-2021-52 CONSIDER AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 118: OIL AND GAS DRILLING; MINERAL EXPLORATION, SECTION 118.19: PERIODIC REPORTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The current ordinance requires an inspection of all gas wells on an annual basis. City Staff within the Public Works Department are currently performing this. The current fee for the annual inspection is set at \$3,000 per well. Upon review of the costs to perform this service, an alternate fee of \$1,650 may be more appropriate.

RS8. RS09-2021-127 CONSIDER A RESOLUTION APPROVING A RATE INCREASE FOR COMMERCIAL SOLID WASTE SERVICES; AS REQUESTED BY WASTE CONNECTION DBA PROGRESSIVE WASTE SOLUTIONS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Cleburne City Council approved a contract with Waste Connections (dba Progressive Waste Solutions) on June 10, 2014. The term of the agreement is for a period of ten years, concluding on August 31, 2024. According to Section 8 of the approved contract, a yearly price increase based on the Consumer Price Index (CPI) as well as an Operating Cost Adjustment can be requested by the service provider.

The service provider previously requested and was granted a rate increase in 2017, 2019 and 2020. No other rate increases have been implemented since 2014. City staff has received a notice of requested rate adjustment for operating costs in the amount of 3.5%. If approved, the rates take effect on October 1, 2021. Should the request for increase not be approved the vendor may, by provision of the contract, cancel services with the City.

OR2. OR09-2021-53 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 Cleburne City Council approved a contract with Waste Connections (dba Progressive Waste Solutions) on June 10, 2014. The term of the agreement is for a period of ten years, concluding on August 31, 2024. According to Section 8 of the approved contract, a yearly price increase based on the Consumer Price Index (CPI) as well as an Operating Cost Adjustment can be requested by the service provider.

The service provider previously requested and was granted a rate increase in 2017, 2019 and 2020. No other rate increases have been implemented since 2014. City staff has received a notice of requested rate adjustment for operating costs in the amount of 3.5%. If approved, the rates take effect on October 1, 2021 and this ordinance amends Section 50.06 Rates for Hauling and Disposing of Garbage to reflect the rate adjustment approved by Council.

RS9. RS09-2021-128 CONSIDER A RESOLUTION AUTHORIZING CONTRACTS FOR ANNUAL SUPPLY OF WATER TREATMENT CHEMICALS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff has solicited bids for three chemicals that are used in the operation of the water utilities. A total of seven companies submitted bids to provide the chemicals at various rates. No single bidder submitted a bid to provide all three required chemicals. The chart below shows the vendors for each of the three chemicals. Multiple vendors are being recommended to assure consistent supply and best cost to provide the city multiple options to be able to acquire the necessary chemicals in a timely manner.

RS10. RS09-2021-129 CONSIDER A RESOLUTION AUTHORIZING 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: On April 13, 2021, City Council approved a pre-development and professional services agreement with Lennar Homes of Texas Land and Construction Ltd. for the development of the project currently known as Wright Farms. On June 22, 2021, Lennar Homes submitted in writing, their intent to no longer pursue the project, and a request for refund of the remaining escrow funds. Following this request, the City refunded the remaining balance of the funds held in escrow, pursuant to the agreement.

On August 20, 2021, Lennar Homes contacted City staff requesting to initiate a new pre-development and professional services agreement. At this time, Lennar Homes seeks to develop the Development Area listed in Exhibit A of the attached resolution 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.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF AUGUST 2021.

Presented by: Rhonda Daugherty, Director of Finance

MOTION: to approve as presented in its entirety

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

ACTION AGENDA

OR3. OR09-2021-54 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±13.7 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT) AND C2 (GENERAL BUSINESS DISTRICT), GENERALLY LOCATED ON THE NORTH SIDE OF WEST KILPATRICK AVENUE AND APPROXIMATELY 1,400 FEET WEST OF GRANBURY STREET, AS REQUESTED BY CH DEVELOPMENT, REPRESENTED BY JOHN HARDEE, CASE ZC21-014.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 13.7 acres from C3 (Commercial District) and SF-4 (Single-Family Dwelling District) to SF-4 (Single-Family Dwelling District), D (Duplex or Two-Family Dwelling District) and C2 (General Business District) for the property generally located on the north side of West Kilpatrick Avenue and approximately 1,400 feet west of Granbury Street.

The applicant is requesting to rezone the subject property for future single-family and duplex residential development as well as commercial development along the frontage of West Kilpatrick Avenue. The applicant has provided a conceptual site layout for informational purposes only to illustrate how the property may be developed based on the proposed rezoning request. This conceptual site layout is not up for consideration as part of this rezoning request.

The Planning and Zoning Commission considered this request at their September 13, 2021 meeting and recommended approval by a vote of 5-0.

Mayor Cain opened the public hearing. There were no speakers, so the public hearing was closed.

Proponent John Hardee and Project Engineer Courtney Coates were available in person should the Council have questions.

Mayor Pro Tem Boedeker asked how many lots are required before a second point of entry is required, to which Mr. Pace answered no more than thirty lots.

Councilmember Weathers inquired as to which commercial buildings are permitted in the proposed zone and Mr. Pace responded small restaurants, office space, and retail, but not drive-thru's, automotive uses or carwashes.

MOTION: to approve as presented

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

RS11. RS09-2021-130 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF REMINGTON RIDGE, PHASE IV, BEING ±27.081 ACRES, LOCATED APPROXIMATELY 1,500 FEET WEST OF NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE, AS REQUESTED BY FV DEVELOPMENT II, LLC, REPRESENTED BY BANNISTER ENGINEERING, CASE PC21-036.

Presented by: Shane Pace, Executive Director of Development Services

Summary: Applicant is requesting approval of the final plat for Remington Ridge, Phase IV, which is comprised of 128 single-family residential lots. The final plat meets all of the minimum requirements as outlined in the PD-OR07-2020-40 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their September 13, 2021 meeting and recommended approval with a vote of 5-0.

Proponent Remington Wheat was available via teleconference 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 5:55 pm to discuss items legally posted 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 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. Actions taken and to be taken related to securing the building located at 14 East Chambers Street (further described as the Southwest Corner of Caddo Street and Chambers Street)

Mayor Cain reconvened into open session at 6:21 pm and no formal action was taken resulting from the above items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:21 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: OCTOBER 12, 2021