



**CITY COUNCIL REGULAR MEETING MINUTES**  
**OCTOBER 26, 2021 @ 5:00PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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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.

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:02 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:**

- ✓ Steve Polasek, City Manager
- ✓ Rob Allibon, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Melissa Turkett, First United Methodist 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. Proclamation Cleburne Veterans Day, November 9-11, 2021, Marty Peters**~~  
To be presented next week on November 9, 2021.

**CMP2. Economic Development Update, Grady Easdon, Economic Development Manager**

Mr. Easdon highlighted commercial development businesses that are underway and building permits are still on the rise with 39 being issued so far this year, which is over twice the number issued in 2020 at this time. Residential development highlights included 265 new residential permits issued YTD through September 2021, compared with 286 YTD through September 2020.

Both façade and downtown building rehab grant programs are continuing to be utilized by businesses providing for a positive effect for the community.

Mr. Easdon reported that while the October 2021 sales tax allocation is down 5.46% over same month last year, fiscal year-to-date (YTD) sales tax through October 2021 is up 11.15% over October 2020 (the October allocation represents sales tax activity for the month of August). Sales tax revenue YTD is at 113.97% of the General Fund budgeted revenue, with 91.67% of the year completed. Additionally, the unemployment rate for September 2021 for Cleburne stands at 4.3%, Johnson County at 4.2% and Texas at 4.9%.

Mr. Easdon wrapped up his presentation stating the City of Cleburne continues to see upward trends in the local economy as evidenced by the sales tax reports. There is still a significant shortage of new housing stock due to extremely low inventory of buildable lots, but the bright side is that residential development is continuing at a robust pace. New subdivisions currently under construction account for 868 single-family lots, with a new 288-unit multi-family complex well underway adjacent to Hill College. Hospitality, restaurant, & service businesses continue to deal with challenges related to supply chain issues and inability to fill open positions. Commercial construction continues to gain momentum, and interest from brokers representing retail, multi-family, and commercial enterprises continues on an upward trajectory this quarter.

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### CONSENT AGENDA

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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 OCTOBER 12, 2021 REGULAR COUNCIL MEETING.**

**RS1. RS10-2021-141 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL NOVEMBER 9, 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 November 9, 2021 at 11:59 p.m. central standard time.

**RS2. RS10-2021-142 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH ALLAN HUDSON, UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION**

**MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 204 SOUTH MAIN STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Hudson has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to the property located at 204 South Main Street. The project entails a complete interior renovation from former office space to a small food establishment, and the scope of work includes:

- Add a commercial kitchen space
- Update current restroom to ADA compliance and add a second restroom
- Update all plumbing and electrical
- New interior framing and finishing
- New roof

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 \$112,910.00, so the reimbursement would be \$25,000.00. If this request is approved, there would be \$11,450.00 remaining for other projects for FY2022.

**RS3. RS10-2021-143 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BPC BUSINESS SOLUTIONS, INC (DBA BENNETT'S) UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 300 EAST CHAMBERS STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Bennett's has submitted an application under the terms of the City's Façade Improvement program for grant funding to have a 12' x 20' mural painted on the west side of their building located at 300 E. Chambers Street. Cost of the project will be \$9,443.86, and under the terms of the program, the City will reimburse 50% of the costs up to a maximum of \$5,000.00. In this case, the reimbursement would be \$4,722.00 leaving \$45,278.00 in remaining funds for other projects under the program should this request be approved by Council.

**RS4. RS10-2021-144 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD, UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1605 NORTH MAIN STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the City of Cleburne's Façade Improvement program seeking reimbursement of expenditures for improvements to his property located at 1605 North Main Street. The scope of work for this project includes repainting the building exterior, staining the redwood columns at the front of the building, and repainting the signage facing Main Street. 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 will be \$10,900.00, so the maximum reimbursement would be \$5,000.00. Should this request be approved, there will be \$40,278.00 in remaining funds for other projects under the program.

**RS5. RS10-2021-145 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD, UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1613 NORTH MAIN STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the City of Cleburne's Façade Improvement program seeking reimbursement of expenditures for improvements to his property located at 1613 North Main Street. The scope of work for this project includes repainting the building exterior and repainting the signage facing Main Street. 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 will be \$6,750.00, so the maximum reimbursement would be \$3,375.00. Should this request be approved, there will be \$36,903.00 in remaining funds for other projects under the program.

**RS6. RS10-2021-146 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD, UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1615 NORTH MAIN STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the City of Cleburne's Façade Improvement program seeking reimbursement of expenditures for improvements to his property located at 1615 North Main Street. The scope of work for this project includes repainting the building exterior and repainting the signage facing Main Street. 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 will be \$6,800.00, so the maximum reimbursement would be \$3,400.00. Should this request be approved, there will be \$33,503.00 in remaining funds for other projects under the program.

**RS7. RS10-2021-147 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD, UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1731 NORTH MAIN STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the City of Cleburne's Façade Improvement program seeking reimbursement of expenditures

for improvements to his property located at 1731 North Main Street. The scope of work for this project includes repainting the building exterior and repainting the signage and pole fencing adjacent to Main Street. 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 will be \$15,450.00, so the maximum reimbursement would be \$5,000.00. Should this request be approved, there will be \$28,503.00 in remaining funds for other projects under the program.

**RS8. RS10-2021-148 CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2021.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ended September 30, 2021, the City invested in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and TexSTAR). Included in the investment report are the newsletters from each of the pools, providing information on the average yield, net asset value, weighted average maturity, and portfolio composition for each investment pool at the end of the reporting quarter.

As of September 30, 2021, there was \$139,905,866.25 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$10,817.78. The percentage allocation by investment pool at September 30, 2021 is LOGIC: 25.09%, Texas Class: 32.02%, TexPool: 5.30%, TexSTAR: 10.68% and Amegy: 26.91%.

**OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF SEPTEMBER 2021.**

Presented by: Rhonda Daugherty, Director of Finance

**BQ1. CONSIDER PURCHASE OF A TRACKED 52" ROTARY SLOPE MOWER WITH A 50 DEGREE SLOPE MAX FROM KINLOCH EQUIPMENT & SUPPLY, INC FOR AN AMOUNT NOT TO EXCEED \$58,197.75.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: This purchase is to replace the 21-year-old tractor slope mower and has seen extended time out of service for repairs due to its age. The current slope mower is utilized throughout the City, specifically at locations along creeks and the lake. The new tracked 52" rotary slope mower is controlled by a remote, and can mow slopes up to a 50% angle, therefore, lowering the risk of turnover by employees. Kinloch Equipment was awarded this project utilizing a BuyBoard contract (#611-20) for an amount not to exceed \$58,197.75.

**MOTION: to approve as presented in its entirety**

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

**ACTION AGENDA**

**RS9. RS10-2021-149 CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH STRATEGIC GOVERNMENT RESOURCES, INC FOR EXECUTIVE RECRUITMENT SERVICES FOR CITY MANAGER.**

Presented by: Mayor Scott Cain

Summary: Upon the retirement announcement by City Manager, Steve Polasek, the City Council has determined the need of professional recruitment services to fill the City Manager position. Strategic Government Resources, Inc. (“SGR”) is established as one of the preeminent executive search firms for municipalities in Texas, and is willing to provide executive recruitment services for Cleburne as set forth in the agreement for an amount not to exceed \$29,900, consisting of a \$24,900 base fee, plus up to \$5,000 for related expenses. Following action taken by City Council on October 12, 2021, this resolution approves and authorizes the Mayor to execute said agreement. Funding is currently available and will be split 50/50 between the General Fund 01 and Water/Wastewater Fund 60.

Jennifer Fadden and the City’s designated Project Manager, Larry Gilley with SGR both spoke on the project and their desire to work with the council and staff in their search for a new city manager.

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

**OR1. OR10-2021-59 CONSIDER AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2021.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City has consulted with its financial advisor, Hilltop Securities, to determine the opportunity for any economic savings in the debt portfolio. Three additional issuances have been identified for an economic refunding opportunity and was presented to council for consideration on September 14, 2021.

- The Combination Tax & Revenue Refunding bonds, Series 2013, issued December 20, 2013 in an amount totaling \$37,390,000, currently has outstanding interest rates ranging from 3.50% to 5.00%.
- The Combination Tax & Revenue Certificates of Obligation, Series 2013, issued December 20, 2013 in an amount totaling \$8,430,000, currently has outstanding interest rates ranging from 3.50% to 5.00%.
- The Combination Tax & Revenue Certificates of Obligation, Series 2015, issued September 15, 2015 in an amount totaling \$6,685,000, currently has an outstanding interest rate of 4.00%.

Each of these three issues have a call date of February 15, 2024. After reviewing the market conditions over the past several weeks, it was determined there would be an opportunity to refund the outstanding bonds at a potential present value savings of \$1,291,889 (7.07%) with an average annual savings of \$319,588. Jim Sabonis of Hilltop Securities will be available to review the refunding statistics with the City Council.

Jim Sabonis with Hilltop Securities spoke reporting to the council that the City had received 9 bids the best being SAMCO Capital Markets at 1.848% interest. This is based on the City’s excellent practices and management creating a positive view.

Rob Collins and Sarah Tahir, bond counsel of Braswell, LLP were both available for questions.

Mayor Cain personally commended Rhonda Daugherty and the Finance Department staff on their hard work resulting in the positive outcome of this project.

**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>

**OR2. OR10-2021-00 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±3.00 ACRES FROM C3 (COMMERCIAL DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), LOCATED AT 1108 WEST KILPATRICK AVENUE, AS REQUESTED BY LORI WARD, REPRESENTED BY ADIKAL INVESTMENTS LLC, CASE ZC21-020.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant has requested to rezone approximately 3.00 acres from C3 (Commercial District) to MF (Multiple-Family Housing District) for the property located at 1108 West Kilpatrick Avenue. The applicant has indicated their intent to remodel the existing building, a previous nursing home facility, into a multi-family apartment building. The applicant has stated that no square footage will be added to the building and that the apartments will be a combination of one bedroom and two bedroom dwelling units.

The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended *denial* by a vote of 4-0. The recommendation of denial requires a supermajority vote for approval by City Council. Several citizens spoke in opposition to this rezoning request during the Planning and Zoning Commission Meeting.

Mayor Cain opened the public hearing and members of the public who registered to speak with the City Secretary were invited to come forward.

Dale Fossett, who lives at 1918 Armstrong was present and spoke in opposition of the rezone due to concern for public safety. Mr. Fossett indicated all his neighbors he spoke to also are in opposition of this rezone.

Sharon Dunn, who lives at 1913 Armstrong, was present and spoke in opposition of the rezone due to concern for public safety as well as fear of it becoming an eye sore for the City. Dunn indicates she owns rental property nearby and feels it would bring bad renters to the area.

Santos Abia, representative for Adikal Investments, was present and spoke online. He stated he is the developer and stated the development is not planned to be low-income housing. He said this would be a \$1.5- \$2 million renovation. It was stated there would be nice concrete parking as well as and new sprinklers, new windows, new doors. They have done work in McKinney and Frisco as well. It is their intent to increase the value of the property and hiring a management company to take care of the day-to-day operations of the complex. Santos was available for any additional questions.

No additional speaks were present. Mayor Cain closed the public hearing.

Mayor Cain stated the area is currently zoned SF4 and does not appear to be a compatible or appropriate to use it for anything else at this time.

Council member Weathers said that low income housing is not the issue, but rather that this is not the correct zoning for this location.

Councilman Warren said he had received calls of concern, and agreed this was not appropriate use for the space.

**MOTION: to deny**

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers			X				Approved as presented
Boedeker			X				Approved as amended



Mann	X		X			X	Denied
Warren		X	X				Withdrawn
Cain			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**OR3. OR10-2021-00 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.20 ACRES FROM C0 (NON-RETAIL DISTRICT) TO D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT), LOCATED AT 314 NORTH ANGLIN STREET, AS REQUESTED BY DOROT HOLDINGS LLC, REPRESENTED BY AMP LIVE GROUP LLC, CASE ZC21-022.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant has requested to rezone approximately 0.20 acres from C0 (Non-Retail District) to D (Duplex or Two-Family Dwelling District) for the property located at 314 North Anglin Street. The applicant has indicated their intent to convert the existing residence into a duplex. The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended *denial* by a vote of 4-0. The recommendation of denial requires a supermajority vote for approval by City Council.

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

Mayor ProTem Boedeker asked if there were any multi-family that had been built out in that immediately area to which Mrs Castillo stated that she did not believe there were any at this time.

**MOTION: to deny**

	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>

**OR4. OR10-2021-60 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.32 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 888 AND 890 SABINE AVENUE, AS REQUESTED BY KR HOMES, LLC, REPRESENTED BY ROBYN MARRIOT, CASE ZC21-023.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant has requested to rezone approximately 0.32 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the properties located at 888 and 890 Sabine Avenue. The applicant has indicated their intent to rezone the subject property for the future

construction of single-family residences. The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended approval by a vote of 4-0.

Mayor Cain opened the public hearing.

Robyn Marriot, petitioner, was available in person should the Council have questions.

There were no further speakers and Mayor Cain closed the public hearing.

**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>

**OR5. OR10-2021-00 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±28.5 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR RV/TRAVEL TRAILER SALES/RENTAL), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF CHISHOLM TRAIL PARKWAY AND COUNTY ROAD 904, AS REQUESTED BY RUMFIELD PROPERTIES, INC, REPRESENTED BY ROBBIE RUMFIELD, CASE ZC21-016.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant is requesting a Specific Use Permit (SUP) to construct an RV rental and sales facility for the property generally located near the southeast intersection of Chisholm Trail Parkway and County Road 904.

The property is located in the Commercial/Industrial Overlay District, whose purpose is to provide for a combination of commercial and industrial uses in a consistent manner throughout the overlay as well as enhance the visual image of the Chisholm Trail Parkway and U.S. Highway 67 corridors. Within the Commercial/Industrial Overlay District, RV Storage is a prohibited use along the Chisholm Trail Parkway corridor.

The applicant has indicated that the proposed business, Chisholm Trail RV Rentals, will be a turnkey facility that has privately owned RVs on-site for rental and consignment selling. Due to the prohibition of RV Storage within the Commercial/Industrial Overlay, all RVs stored on the subject property must be either for rent, or for sale. Storage of any RV not for rent or sale is strictly prohibited.

The property will include six (6) enclosed buildings and five (5) unenclosed, canopied structures where approximately 557 RVs will be stored. The property will also feature several other services, including a 1,200 square foot retail center, an RV waste disposal station, a fully automated RV wash bay, a park area with benches and play equipment and a 1,200 square foot residence to

house the 24-hour security guard. The property owner will be responsible for maintaining the facility, including the proposed fencing, landscaping, play equipment and all other on-site maintenance. The applicant has provided a site plan, landscape plan and building elevations to be included as part of the SUP ordinance.

The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended *denial* by a vote of 4-0. The recommendation of denial requires a supermajority vote for approval by City Council.

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

Applicant was not present.

**MOTION: to deny**

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

**OR6. OR10-2021-61 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±3.89 ACRES FROM C3 (COMMERCIAL DISTRICT) TO C3/SUP (COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR MINI-WAREHOUSE), LOCATED AT 106 AND 110 SOUTH NOLAN RIVER ROAD, AS REQUESTED BY J. STANLEY JOHNSON, REPRESENTED BY HORTON TX, LLC, CASE ZC21-019.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant is requesting a Specific Use Permit (SUP) to construct self-storage facilities, to be known as Store House Storage, on the property located at 106 and 110 South Nolan River Road. There is an existing single-family home on the property that will be demolished prior to development. The applicant has provide a site plan, landscape plan and building elevations to be included as part of the SUP ordinance.

The applicant has indicated that the self-storage business will be constructed in two (2) phases, as generally shown on the site plan. Phase 1 will consist of one (1) two-story building (Building A) that will house a 660 square foot lobby/reception area and 457 indoor storage units, and two (2) single-story buildings (Buildings C and D) constructed along the western and southern boundaries that will house 59 storage units. Phase 2 will consist of two (2) single-story additions to Building A (labeled as Buildings B and E) that will house 164 storage units.

The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended approval with the following conditions by a vote of 4-0:

- a. Provide the hours of operation;
- b. State that Building A will have elevators;

- c. Provide information on the proposed security for the property; and
- d. Provide information on the proposed lighting for the property.

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

Robert Horton and Anna Blackwell the applicants were present.

The Mayor asked a question concerned the size of the monument. The applicant said he didn't know the height but would follow code. The Mayor asked for additional landscaping and stone on the sign.

Mayor ProTem Boedeker asked concerning traffic and the impact. Mr. Horton said that there was this type development was a very low impact traffic development and that there was no peak period for traffic and the busiest time would probably be Saturdays.

Councilman Weathers asked concerning the vacancies rate the applicant confirmed is about 3%.

There were no further speakers and Mayor Cain closed the public hearing.

Councilman Weathers asked whether there were any objections and comments by the neighbors. Ms. Castillo confirmed that there were no objections.

Mayor asked the attorney concerning whether there could be any conditions placed on this item as a SUP. Attorney Rob Allibon confirmed that there could be conditions.

**MOTION: to approve as amended that elevation be consistent with the presentation, monument sign design and construction be consistent with the elevations with the remainder of the development and to include the recommendations made by Planning and Zoning Commission**

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

**RS10. RS10-2021-150 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF MADELINE MEADOWS, BEING ±99.22 ACRES, GENERALLY LOCATED APPROXIMATELY 3,200 FEET EAST OF SOUTH NOLAN RIVER ROAD, BETWEEN BROWNING LANE AND OLD FOAMY ROAD, AS REQUESTED BY SAM KERBEL, REPRESENTED BY TEMPUS DEVELOPMENT, LLC, CASE PC21-042.**

Presented by: Danielle Castillo, Planning Manager

Summary: The applicant is requesting approval of the preliminary plat for Madeline Meadows. The preliminary plat consists of 252 single-family detached residential lots and 15 open space lots, and is proposed to be constructed in two phases, generally as shown on the preliminary plat. The preliminary plat meets all of the minimum requirements as outlined in PD OR08-2021-42 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their October 11, 2021 meeting and recommended approval with the condition as outlined below with a vote of 4-0:

- a. Revise proposed “Waterton Drive” to “Norwich Street”.

The applicant has submitted a revised preliminary plat satisfying the above condition.

Michael Martin and Adam Reeves are present for questions.

**MOTION: to approve as presented including recommendations by Planning and Zoning.**

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>

**RS11. RS10-2021-151 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH CANARY CONSTRUCTION, INC FOR THE BNSF WATER AND SANITARY SEWER MAIN RELOCATION PROJECT IN AN AMOUNT OF \$1,475,396 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY SUBSEQUENT CHANGE ORDERS FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,525,000.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne was notified by BNSF Railway of their project, Rio Vista to Midway Double Track Improvements that will install a new rail line in the existing railroad right-of-way. This project will affect the existing city owned utility crossings. Multiple utility conflicts have been identified that will need to be addressed by the City of Cleburne.

The City engaged engineering services to provide design, bidding and BNSF coordination for the relocation, replacement, and/or extension of city facilities within the railway project limits. The City utility adjustment project is expected to start construction in late 2021. The BNSF construction project is currently scheduled to begin in early 2022.

The project was posted and advertised for bidding beginning on September 3, 2021 with a bid opening on September 30, 2021. Three bids were received, with Canary Construction, Inc. being the apparent low offer.

Canary Construction, Inc. meets the minimum qualifications required by the Contract documents and their total offer (base bid plus allowances and alternates) of \$1,475,396 is in-line with the design engineer’s opinion of probable construction cost of \$1,500,000. The design engineer has

reviewed all applicable documents and has issued a recommendation for the award to Canary Construction, Inc. This project has an initial construction duration of 200 days.

The proposed resolution will award the contract to Canary Construction, Inc. and authorize the City Manager to execute the contract documents and authorize the City Manager to utilize contingency funds in the amount of \$49,604 to execute change orders that may be required in order to complete the project. Funding for this contract is in the FY22 Budget more specifically the Water Wastewater – 2015 Revenue Bond Fund: Fund 76, in the amount of \$1.5 million.

**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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

Mayor Cain recessed the Regular Council meeting at 6:26 pm to discuss items legally posted in Executive Session.

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**EXECUTIVE SESSION**

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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.** Discuss Wright Farms Municipal Utility District

**EXE2.** 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)

**EXE3.** Discuss status of claim against the City

Jon Lee available to answer questions.

Mayor Cain reconvened into open session at 6:39 pm and action was taken resulting from the above items posted and legally discussed in Executive Session.

**MOTION:** authorize the City Manager to negotiate a settlement concerning the item discussed in executive session.

	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:
<b>X</b>	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

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**ADJOURNMENT**

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**ADJOURNED AT: 6:42**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: NOVEMBER 9, 2021**