



CITY COUNCIL REGULAR MEETING AGENDA
JUNE 28, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

A member of the public wishing to participate in the meeting may do so via the options below or view the [live broadcast](#).

- ***In person:*** Complete a speaker/comment registration card and turn in to the City Secretary before the meeting begins.
 - ***Submit questions/comments online:*** Complete a speaker/comment registration card found on the [City's online Agenda Center](#). Registration cards received by 4:00 p.m. the same day will be distributed to the Council for consideration.
 - ***Address the Council by phone:*** Submit a registration card as directed above and by 4:45p.m.call [\(346\) 248-7799](tel:346-248-7799) or (888) 788-0099. **Enter Meeting ID 995-6991-0537 and then press #.**
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I. ROLL CALL AND CALL TO ORDER BY MAYOR

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
Ashley Dierker, City Attorney
Ivy Peterson, City Secretary

II. INVOCATION by Trinity Bounds, Pursuit Bible Church

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CONSENT AGENDA

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. There will be no separate discussion of these items unless a Council Member or citizen so requests. For a citizen to request removal of an item, a

speaker card must be filled out and submitted to the City Secretary prior to the beginning of the meeting.

MN1. CONSIDER MINUTES FOR THE JUNE 14, 2022 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JULY 12, 2022.

Presented by: Steve Polasek, City Manager

Summary: On March 23, 2020, the Mayor executed a Declaration of Local Disaster (“Declaration”) for the City of Cleburne pursuant to Section 418.108(a) of the Texas Government Code, which was for a period of seven days. In accordance with 418.108(b) of the Texas Government Code and following Governor Greg Abbott’s executive orders, the City Council has approved extensions to said Declaration, and continues to take actions to promote health and safety, and suppress the spread of COVID-19 in the community. This resolution for your consideration is to extend the existing Declaration to the next regular council meeting date of July 12, 2022 at 11:59 p.m. central daylight time.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH CUCCIA WILSON CLEBURNE PROPERTY CO, LLC UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Cuccia Wilson Cleburne Property Co., LLC, represented by Michael Wilson, has submitted an application under the terms of the City’s Façade Improvement Matching Incentive Program for reimbursement of expenses related to improvements to property located at 108 E. Chambers Street. The scope of work includes repair and repainting of the stucco on the north and west facades of the building. Total cost of this project is estimated at \$15,000.00. Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Should this request be approved, there will be \$8,503.00 in remaining funds for other projects under the program.

RS3. CONSIDER A RESOLUTION AUTHORIZING A HANGAR LEASE AGREEMENT WITH AEROPREMIERE, INC FOR A THREE-YEAR LEASE OF AIRPORT HANGAR 701.

Presented by: Sharlette Wright, Airport Manager

Summary: David MacDonald, of Aeropremiere, Inc, would like to lease airport hangar 701 for a three-year term with an option for an additional three-year extension. Aeropremiere has occupied Hangar 701 since 2008 on a month-to-month lease basis. Staff advised Mr. MacDonald that given his extended use of the hanger a binding three-year lease was appropriate. Further, without an actual lease in place, Mr. MacDonald runs the risk of the City entering into a lease agreement with another tenant and Mr. MacDonald then losing the use of hanger 701. The proposed lease is the standard lease agreement and if approved will be effective retroactive to

April 1, 2022. Aeropremiere has pre-paid for 2022 (on a month-to-month basis). Hangar 701 is comprised of 3,025 square feet and the current monthly lease amount is \$484.00, which corresponds to the proposed three-year monthly lease amount.

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

Presented by: Rhonda Daugherty, Director of Finance

ACTION AGENDA

OR1. CONSIDER AN ORDINANCE APPROVING THE REAPPOINTMENT OF MICHAEL KURMES FOR A TERM OF TWO YEARS AS MUNICIPAL COURT JUDGE FOR THE CLEBURNE MUNICIPAL COURT OF RECORD AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Michael Kurmes currently serves as the Municipal Court Judge, originally appointed by Council on November 11, 2014. Judge Kurmes was reappointed for two-year terms on November 8, 2016, April 10, 2018 and May 12, 2020. City Council desires to reappoint Michael Kurmes as Municipal Court Judge for an additional two-year term for the period of June 1, 2022 through May 31, 2024 at an annual compensation amount of \$60,638 for judicial and magistrate services for the City of Cleburne Municipal Court of Record. This is an increase of 10% from the prior amount of \$55,125. The Agreement details the judicial and magistrate services to be provided by the Municipal Court Judge.

This appointment is authorized by ordinance, as the Cleburne Municipal Court of record was created pursuant to Chapter 30, Subchapter P, of the Texas Government Code, and Section 30.006(b) of the Texas Government Code. Those Codes provide that Municipal Courts of Record must have their judges appointed by an ordinance of the City Council, and the City of Cleburne Charter provides for the Council's appointment of a Municipal Court Judge.

OR2. **PUBLIC HEARING CONSIDER AN ORDINANCE REZONING ±2.0 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MF-1 (MEDIUM-DENSITY RESIDENTIAL DISTRICT), LOCATED AT 910 FULLER ROAD BETWEEN ISLAND GROVE ROAD AND BRAZOS AVENUE, CASE ZC22-012.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Joaquin Miranda, has requested to rezone approximately 2.0 acres from SF-7 (Single-Family Dwelling District) to MF-1 (Medium-Density Residential District) for the property located at 910 Fuller Road, between Island Grove Road (FM 2135) and Brazos Avenue. The applicant intends to rezone the subject property for the construction of two (2) duplexes. The Planning and Zoning Commission considered this request at their June 13, 2022 meeting and voted 6-0 to recommend approval.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150: BUILDING CODES, SECTION 150.016: FEES ADOPTED OF THE CODE OF ORDINANCES TO INCREASE THE FEE FOR BUILDING PERMIT RE-INSPECTIONS FROM \$25.00 TO \$70 FOR RESIDENTIAL AND \$85.50 FOR COMMERCIAL.

Presented by: David Jones, Community Development Director

Summary: On average, 15-20% of building inspections conducted by the City result in a failure and re-inspection. The current fee for building permits that require re-inspection due to a failed initial inspection is not adequate to cover the City's costs for either staff re-inspections or those done by the City's third-party inspectors. This item would increase the fees for re-inspection due to a failed initial inspection to an amount sufficient to recoup the City's cost to perform the re-inspection.

A survey of benchmark cities shows that re-inspection fees range from a low of \$55 to a high of \$120. Increasing the re-inspection fee would not result in a competitive disadvantage to Cleburne since the proposed fee is still within the middle third of comparable fees, and because initial permit fees, which builders rely on to determine the cost of doing business in the city, would remain unchanged and are low compared to peer cities.

OC2. CONSIDER APPOINTMENTS AND REAPPOINTMENTS OF COMMUNITY MEMBERS TO CITY OF CLEBURNE BOARDS AND COMMISSIONS.

Presented by: Ivy Peterson, City Secretary

Summary: At such time when members' terms expire or vacancies occur on City boards, the Board & Commission Recommendation Committee convenes to review applications of potential candidates for the Council's consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community. The candidates listed below have been contacted and are willing to serve a two-year term beginning July 1, 2022.

Board/Commission	Recommendations	Appoint/Reappoint	Term #
Animal Shelter Advisory Board (city representative)	Ashley Masters	Appointment	1
Animal Shelter Advisory Board	Kathy McClelland	Appointment	3
Building and Standards Commission	Blake Jones	Reappointment	3
Library Advisory Board	Joyce Petross	Reappointment	3
Library Advisory Board	Janie Stone	Appointment	1
Museum Advisory Board	Teresa Ferens	Reappointment	2
Museum Advisory Board	Linda Burt Wallace	Reappointment	2
Parks and Recreation Advisory Board	Brian Goodman	Reappointment	3
Parks and Recreation Advisory Board	Aaron Siler	Appointment	1
Planning and Zoning Commission	Albert Archer	Reappointment	3
Planning and Zoning Commission	Vance Castles	Reappointment	2
Tax Increment Financing Reinvestment Zone #1	Rick Bailey	Reappointment	4

Tax Increment Financing Reinvestment Zone #1	Roger Harmon	Reappointment	9
Tax Increment Financing Reinvestment Zone #3	Rick Bailey	Reappointment	5
Tax Increment Financing Reinvestment Zone #3	Roger Harmon	Reappointment	5
Zoning Board of Adjustment	Timothy Barnette	Appointment	1

OC3. CONSIDER CITY COUNCIL APPOINTMENTS TO CERTAIN BOARDS.

Presented by: Ivy Peterson, City Secretary

Summary: In accordance with Chapter 31: Boards, Commissions and Public Bodies, Section 31.11 of the Code of Ordinances, city staff is to notify the Council, through the agenda, of the expiration of terms of appointments, or vacancies, in the membership of boards and commissions. The following positions are presented for Council consideration and that such appointment is for a term of two years beginning July 1, 2022.

Board/Commission	Recommendations	Appoint/Reappoint	Term #
Cemetery Advisory Board	John Warren	Reappointment	3
TIF #3	Scott Cain	Reappointment	4
Type A EDC	Mike Mann	Reappointment	3
Type A EDC	Derek Weathers	Reappointment	2

DISCUSSION & UPDATES

OC4. DISCUSS THE SPECIAL EVENTS POLICY

Presented by: Rob Severance, Chief of Police

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

OC5. UPDATE ON THE WATER UTILITY AND THE CURRENT DROUGHT CONDITIONS

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will provide City Council with an update on the current drought conditions and the effects on the water utility.

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.

§ 551.074. Personnel Matters - This chapter does not require a governmental body to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. This does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing:

EXE1. Discuss the Municipal Court Judge evaluation

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:

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)

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT:

CERTIFICATION

THIS IS TO CERTIFY that the Notice of Meeting of the Cleburne City Council is a true and correct copy of said Notice and that I posted said Notice on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, as well as the City's official website at www.cleburne.net and said Notice was posted on **Friday, June 24, 2022, by 5:00 pm** in compliance with Chapter 551, Texas Government Code.

Note: A quorum of any Cleburne board, commission, or committee may participate during this meeting.



City of Cleburne

By: Ivy Peterson
Ivy Peterson, City Secretary



Reasonable accommodations to furnish auxiliary aids or services for persons with special needs will be provided when at least two working days' notice is given. Contact the City Secretary's office at (817) 645-0908 or by fax (817) 556-8848.