



CITY COUNCIL REGULAR MEETING AGENDA
JANUARY 12, 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 protocols in place. 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:3462487799) or (800) 731-0285. **Enter Meeting ID 995-6991-0537 and then press #.**

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 Dr Ron Shultz, Bethel Temple Assembly of God

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. COVID-19 Vaccination Update – Scott Lail, Fire Chief

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. 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 DECEMBER 8, 2020 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JANUARY 26, 2021.

Presented by: Steve Polasek, City Manager

SUMMARY: 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 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 Declaration to the next regular council meeting date of January 26, 2021 at 11:59 p.m. central standard time.

RS2. CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH NOUVEAU CONSTRUCTION AND TECHNOLOGY SERVICES, LP TO REPLACE OVERHEAD DOORS AT THREE FIRE STATIONS FOR AN AMOUNT NOT TO EXCEED \$76,250.00.

Presented by: Scott Lail, Fire Chief

SUMMARY: Sealed bids were solicited for the replacement of (9) nine overhead doors at Fire Stations #1, #2, and #3 (rear doors only). Bids were received from three (3) vendors and are depicted in the backup. The lowest, most responsible bid was Nouveau Construction and Technology Services, LP in the amount of \$76,250.00.

RS3. CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BURKETT PROPERTIES FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 209 EAST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Tom Burkett 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 his property located at 209 East Henderson Street. Repairs and upgrades include removal of exterior stucco, either re-facing or point & tuck the brick exterior façade, repair the existing awning, installation of electric for a lighted sign, and exterior painting. 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 approximately \$10,000.00; therefore \$5,000 would be the maximum match by the City.

RS4. CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH BURKETT PROPERTIES FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 211 EAST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Tom Burkett 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 his property located at 211 East Henderson Street. Repairs and upgrades include removal of exterior stucco, either re-facing or point & tuck the brick exterior façade, repair the existing awning, installation of electric for a lighted sign, and exterior painting. 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 approximately \$10,000.00; therefore \$5,000 would be the maximum match by the City.

RS5. CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH NATHAN MAYFIELD CO, INC DBA DAIRY QUEEN FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 901 WEST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$685.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Nathan Mayfield has submitted an application under the terms of the City's Façade Improvement program seeking funding for parking lot enhancements to his property located at 901 West Henderson Street, known as Dairy Queen. Upgrades include installation of parking stops for the 20 parking spaces that face Holloway Street as a deterrent to drivers attempting to cross the Dairy Queen parking lot to reach the recently opened Chick-Fil-A restaurant. 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 \$1,368.78, allowing for a reimbursement of \$685.00.

RS6. CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH LAW OFFICE OF ROBERT WARD FOR FAÇADE IMPROVMENTS TO PROPERTY LOCATED AT 103 WEST HENDERSON STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.

Presented by: Grady Easdon, Economic Development Manager

SUMMARY: Robert Ward 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 his property located at 103 West Henderson Street. Repairs and upgrades include installation of a new thermal bronze storefront consisting of new entry doors and installation of new windows. 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 approximately \$10,304.33; therefore \$5,000.00 would be the maximum match by the City.

RS7. CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH PUBLIC MANAGEMENT, INC FOR ADMINISTRATIVE SERVICES ASSOCIATED WITH THE APPLICATION AND MANAGEMENT OF A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: A Texas Community Block Development Grant opportunity is available this Spring through the Texas Department of Agriculture. The grant award maximum is \$350,000, with a 20% City match requirement. The funds may be used for various infrastructure improvements including water, sewer, drainage or roadway improvements. The first step in applying for the grant is solicitation for administrative/planning services of a company from the approved vendor list for grant administrative services.

Staff issued the required Request for Proposal to three (3) firms from the list, and received two (2) proposals by the December 30th deadline. The proposals were evaluated by a three-member selection team, as required. Based on this evaluation, contract award is recommended to Public Management, Inc. of Granbury, Texas.

The consultant, Public Management, Inc., will assist the City in making application, providing help with the required public meetings, project selection, project maps, environmental compliance documents, and project review auditing. There is no fee charged for preparing the application. If the grant is awarded, the consultant will oversee the administrative requirements of the grant related to schedule, record keeping, financial management, labor standards monitoring, construction management and more. The charge for these services is a not-to-exceed fee based on the award amount. Since the maximum grant award is \$350,000, the maximum base fee for this contract will be \$35,000. If grant award is less than \$350,000, the contract amount will be reduced based on the fee schedule provided in page 6 of the attached Contract.

A project has not yet been selected for the grant request. Block Grant requirements must be based on and benefit the specific block area they serve. Staff will work with the consultant to find a project that will best meet the application requirements.

A public hearing is required to take public input on the City's intent to apply for this funding. That hearing has been scheduled to begin at 5:05 p.m. this Thursday, January 14th, in Council Chambers. The public is welcome to attend and provide any feedback or ask questions regarding the funding opportunity.

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

Presented by: Marcie Freelen, Acting Director of Finance

RESOLUTIONS

RS8. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF REMINGTON RIDGE PHASE IV, BEING ±27.081 ACRES, GENERALLY LOCATED WEST OF NORTH NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE; AS REQUESTED BY FV DEVELOPMENT II, LLC, REPRESENTED BY BANNISTER ENGINEERING, LLC, CASE PC20-047.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the preliminary plat for Remington Ridge Phase IV, a proposed residential subdivision comprised of 126 single-family residential lots and two (2) open space lots. The preliminary plat meets all of the minimum requirements as outlined in PD OR07-2020-40 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

RS9. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF HIDDEN VILLAGE, BEING ±12.953 ACRES, LOCATED AT 1401 NORTH MAIN STREET; AS REQUESTED BY MORROW DEVELOPMENT, LLC, REPRESENTED BY BANNISTER ENGINEERING, LLC, CASE PC20-048.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the final plat for Hidden Village, a proposed residential subdivision comprised of 75 single-family residential lots. The final plat meets all of the minimum requirements as outlined in PD OR10-2019-66 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

RS10. CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF TRAIL CREEK ADDITION, BEING ±38.376 ACRES, GENERALLY LOCATED NORTH OF MANN COURT, SOUTH OF MIMOSA STREET AND WEST OF GRAND AVENUE; AS REQUESTED BY XR DEVELOPMENT, LLC, REPRESENTED BY TRANS TEXAS SURVEYING, CASE PC20-049.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the preliminary plat for Trail Creek Addition, a proposed residential subdivision comprised of 140 single-family detached lots, 22 single-family attached lots and a 7.063-acre tract (Lot 1, Block 9) to be dedicated to the City of Cleburne as a future public park. The preliminary plat meets all of the minimum requirements as outlined in PD OR08-2020-45 and Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

RS11. CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LOT 1, BLOCK 1R OF CLEBURNE STATION, BEING ±1.152 ACRES, LOCATED AT THE NORTHEAST CORNER OF NORTH NOLAN RIVER ROAD AND CLEBURNE STATION PARKWAY; AS REQUESTED BY CLEBURNE STATION INVESTMENTS, LP, REPRESENTED BY CLAYMOORE ENGINEERING, CASE PC20-050.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the final plat for Lot 1, Block 1R, of Cleburne Station, for a proposed convenience store with gasoline sales.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended conditional approval with a vote of 6-0 with the following condition:

1. Prior to filing the plat for recordation at the Johnson County Clerk's office, include the county filing information on the face of the plat for all easements dedicated via separate instrument.

Following the 12/14 Planning and Zoning Commission meeting, the applicant has submitted a revised plat exhibit meeting the condition as outlined above. The revised plat exhibit is included in the attachments for this agenda item. As such, this plat now meets all of the requirements as outlined in Chapter 154 of the Code of Ordinances.

RS12. CONSIDER A RESOLUTION APPROVING THE MINOR REPLAT OF LOTS 6R – 9R, BLOCK 11 OF MORGAN'S ADDITION, BEING ±0.585 ACRES, LOCATED AT 1300 - 1312 NORTH BRAZOS AVENUE; AS REQUESTED BY AMERITEX HOMES, LLC, REPRESENTED BY DANIEL ZARATE, CASE PC20-051.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant is requesting approval of the minor replat of Lots 6R – 9R, Block 11 of Morgan's Addition for future residential development of four (4) lots. Approval authority for minor replats is given to staff, however, given that the applicant requested and received variances from the Zoning Board of Adjustment, the minor replat is required to be approved by the Planning and Zoning Commission and City Council. The minor replat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval with a vote of 6-0.

ORDINANCES

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.92 ACRES FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), LOCATED AT 2221 PIPELINE ROAD, AS REQUESTED BY TYLER BATES, CASE ZC20-026.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant has requested to rezone approximately 0.92 acres from M2 (Heavy Industrial District) to MF (Multiple-Family Housing District) located at 2221 Pipeline Road. The applicant has indicated their intent to construct a multi-family development on the subject property.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended denial by a vote of 6-0. The recommendation of denial requires a supermajority vote for approval by City Council.

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.47 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO D (DUPLEX OR TWO-FAMILY DWELLING DISTRICT), LOCATED AT 706 AND 708 SOUTH BRAZOS AVENUE; AS REQUESTED BY Y & M INVESTMENTS, LLC, REPRESENTED BY MARTHA MIRANDA, CASE ZC20-027.

Presented by: Shane Pace, Executive Director of Development Services

SUMMARY: The applicant has requested to rezone approximately 0.47 acres from M1 (Light Industrial District) to D (Duplex or Two-Family Dwelling District) located at 706 and 708 South Brazos Avenue. The applicant has indicated their intent to build a duplex on each lot.

The Planning and Zoning Commission considered this request at their December 14, 2020 meeting and recommended approval by a vote of 6-0.

OR3. CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 157: MANAGEMENT OF THE RIGHT-OF-WAY, OF THE CODE OF ORDINANCES, CREATING A NEW SECTION 157.17: RIGHT-OF-WAY AND EASEMENT ABANDONMENT.

Presented by: Jeremy Hutt, Director of Public Works

SUMMARY: There is not currently a section in the Code of Ordinances regarding abandonment of City easements, alleys, and rights-of-way. Proposed Section 157.17 will establish a guideline and process to follow when the City receives a request to abandon easements, alleys or rights-of-way.

OR4. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2021 (#4) BY APPROPRIATING FUNDS FOR POSSIBLE ACTION RESULTING FROM DISCUSSION IN EXECUTIVE SESSION.

Presented by: Marcie Freelen, Acting Director of Finance

OTHER COUNCIL MATTERS

OC2. PRESENTATION AND UPDATE ON THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT AND REUSE PIPELINE PROJECTS.

Presented by: Jeremy Hutt, Director of Public Works

OC3. DISCUSS AND RECEIVE LEGAL OPINION CONCERNING THE DISPLAY OF PROFANITY ON FLAGS OR SIGNAGE.

Presented by: Ashley Dierker, City Attorney

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. Cause no. DC-C201900937; RT General, LLC v. City of Cleburne / Case No. 10-20-0037-CV; City of Cleburne v. RT General, LLC – Steve Polasek, City Manager

- EXE2. Legal advice regarding Developer Participation Agreement with Cleburne OZF, LLC related to the development of the Live Oaks Apartments – Jeremy Hutt, Director of Public Works

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, January 8, 2021**, 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, City Secretary



City Hall is wheelchair accessible. 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.