



CITY COUNCIL REGULAR MEETING AGENDA
APRIL 13, 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 #.**
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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 Pastor Brian McClure, Friendship Baptist 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

- ☆ Presentation – Cleburne's Hulen Park Lonestar Legacy Park Recognition, presented by Texas Recreation and Park Society

- ☆ Presentation –NCT 911 Award –911 Supervisor of the Year – Holly Bicknell and Valerie Hughes – presented by Police Chief Rob Severance
- ☆ Presentation – CoVID Hub Update – presented by Fire Chief Scott Lail

CONSENT AGENDA

MN1. CONSIDER MINUTES FOR THE MARCH 23, 2021 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL APRIL 27, 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 April 27, 2021 at 11:59 p.m. central standard time.

ACTION AGENDA

RS2. *PUBLIC HEARING* CONSIDER A RESOLUTION OFFICIALLY NAMING THE CITY OWNED FACILITY AT 1511 W. HENDERSON STREET (AKA. CHAMBER BUILDING) THE “CATHY MARCHEL BUILDING” IN HONOR OF A BELOVED FORMER COMMUNITY LEADER AND CLEBURNE CHAMBER OF COMMERCE PRESIDENT.

Presented by: Steve Polasek, City Manager

Summary: At the January 28, 2020 meeting, the City Council discussed the naming of a city facility in honor of Cathy Marchel and directed staff to develop several names for consideration. At the February 25, 2020 meeting, City Council reviewed the proposed names and directed staff to move forward with the official process of naming the facility at 1511 W. Henderson Street (aka. Chamber building) the “Cathy Marchel Building”. Shortly thereafter, the COVID-19 pandemic began and the project was temporarily placed on hold.

With the recent slowdown in the number of Covid-19 cases and the ability to now gather publicly in greater numbers and in a safe manner, this item was re-started. As a reminder, the proposed naming of the building meets all of the criteria of the City’s Naming Policy and the Public Hearing notice was published ten days in advance of the Council meeting as required. If approved, staff will finalize the signage plan for the exterior of the building as well as an interior plaque. A future dedication ceremony would tentatively be planned for early June.

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.25 ACRES FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO MF/SUP (MULTIPLE-FAMILY HOUSING DISTRICT WITH A SPECIFIC USE PERMIT FOR A PRIVATE COMMUNITY CENTER), LOCATED AT 901 SOUTH ROBINSON STREET, AS REQUESTED BY GONE WITH THE WIND REMEMBERED MUSEUM; REPRESENTED BY VICKY L. ROGERS, CASE ZC21-003.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting a Specific Use Permit (SUP) for a private community center in order to construct an approximately 3,240 square foot Event Center Annex at 901 South Robinson Street. There is an existing SUP for a private community center at 907 South Robinson Street, that was approved in 2017 for the Gone With the Wind Museum Gathering and Guest House. It is the applicant's intent to extend the boundaries of the existing SUP for the new Event Center Annex that will serve as another event space for the Gone With the Wind Museum.

The Planning and Zoning Commission considered this request at their March 22, 2021 meeting and recommended approval by a vote of 4-2 with the following conditions:

1. The reduction of the front yard setback to 17 feet; and
2. The waiver to reduce the parking requirement from 17 spaces to 11 spaces

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.40 SIGN STANDARDS, TO PERMIT AN INCREASE IN MAXIMUM SIGN HEIGHT AND TO PERMIT AN INCREASE IN SIZE FOR AN ELECTRONIC MESSAGE BOARD, LOCATED AT 4319 NORTH MAIN STREET; AS REQUESTED BY RV DEPOT, CASE VC21-001.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant, RV Depot, has submitted a formal request for a three (3) variances for a proposed multi-pylon sign to allow for an increase in the maximum sign height and maximum sign area permitted for an electronic message board located at 4319 North Main Street. The multi-pylon sign will feature a masonry base with an upper cabinet sign with the business name and a lower cabinet sign for an electronic message board. The applicant contends that the requested variances are necessary to enhance visibility for travelers along North Main Street.

BQ1. CONSIDER AUTHORIZING THE PURCHASE OF MULTIPLE VEHICLES INCLUDING THREE TAHOE PPV, A 2500 SILVERADO, TWO 1500 SILVERADO AND AN AUTOMATED SANITATION TRUCK FROM CALDWELL COUNTRY CHEVROLET, BOND EQUIPMENT, OR RELIANCE TRUCK & EQUIPMENT, UTILIZING THE BUYBOARD COOPERATIVE IN AN AMOUNT NOT TO EXCEED \$589,774.00.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In order to maintain the City Fleet, is important that outdated, older, and vehicles that are

no longer meeting the needs of the City are replaced. Several vehicles have been identified for replacement including Police, Parks, Engineering, and Sanitation vehicles.

Department	Vehicle	Vehicle Total Costs
Police	Tahoe PPV Patrol	\$65,891
Police	Tahoe PPV Patrol	\$65,891
Police	Tahoe PPV Admin	\$35,348
Parks	2500 Silverado w/ Utility Bed	\$44,175
PW - Engineering	Crew Cab 1500 Silverado	\$27,810
Building Inspections	Crew Cab 1500 Silverado	\$27,810
PW- Sanitation	Crane Carrier Chassis and Labrie 22 Yard Refuse Body - Automated Sanitation Truck	\$322,849

These purchases will utilize the BuyBoard co-op to satisfy competitive purchasing requirements

- Caldwell Country Chevrolet has been awarded a contract, through the BuyBoard Co-op Purchasing Program
- Bond Equipment has been awarded a contract, through the BuyBoard Co-op Purchasing Program
- Reliance Truck & Equipment has been awarded a contract, through the BuyBoard Co-op Purchasing Program

The funding for the presented vehicles was planned for, and available for use in the Vehicle Replacement Fund.

The existing units will be removed from the fleet and auctioned, or used to replace a lower priority unit within the fleet that is less desirable to maintain.

RS3. CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE 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: Lennar Homes of Texas Land and Construction Ltd. seeks to pursue a Municipal Management District 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.

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING VOLUNTARY ANNEXATION FOR ±327.883 ACRES LOCATED WITHIN A PORTION OF THE J.C. WILLIAMS SURVEY ABSTRACT NO. 873, J.R. PRICE SURVEY, ABSTRACT NO. 1246, AND J. FAULKNER SURVEY, ABSTRACT NO. 994 AND GENERALLY LOCATED NEAR THE NORTHEAST INTERSECTION OF

WOODARD AVENUE AND COUNTY ROAD 1227, AS REQUESTED BY LIONWOOD CLEBURNE, LLC, CASE GC21-004.

Presented by: Shane Pace, Executive Director of Development Services

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 327.883 acres, generally located near the northeast intersection of Woodard Avenue and County Road 1227, contiguous to the City of Cleburne.

The applicant is requesting that the property be annexed and become part of the City pursuant to Section 43.028 of the Texas Local Government Code. Pursuant to Section 43.0673 of the Texas Local Government Code, the City is required to hold one public hearing before it may initiate annexation proceedings for the property. The City Council will hold a public hearing and consider adoption of the annexation ordinance on April 13, 2021 at 5:00pm in the City Hall Council Chambers.

The subject property is located within the Traditional Neighborhoods Transition District and Regional Corridor Districts. The territory hereinafter annexed into the City shall be classified under the "IH" – Interim Holding District. The applicant has indicated that a rezoning request will be submitted immediately following annexation of the subject property. Staff anticipates this item will be considered by the Planning and Zoning Commission at the May 10, 2021 meeting and subsequently considered by City Council on May 25, 2021.

RS4. CONSIDER A RESOLUTION AUTHORIZING A DEVELOPMENT AGREEMENT WITH LIONWOOD CLEBURNE, LLC, FOR OFFSITE SANITARY SEWER AND WATER MAIN IMPROVEMENTS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has been contacted by a developer and received a request to enter into a development agreement in order to extend public Water and Wastewater facilities. Staff have worked with the development group to draft the proposed agreement for City Council consideration.

RS5. CONSIDER A RESOLUTION TO CONSIDER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND CONSIDER RESOLUTION NO. _____ AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF OBTAINING THE NECESSARY EASEMENTS FOR CONSTRUCTION AND MAINTENANCE OF A REUSE WATER PIPELINE, KNOWN AS WEST LOOP REUSE PIPELINE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: A market study and appraisals have been completed, and offers have been made to property owners. To date, not all easements have been acquired. Negotiations with property owners are continuing, however staff has been unable to move some of the negotiations forward. If necessary, condemnation actions may be needed to acquire easements for construction of the West Reuse Pipeline.

DISCUSSION & UPDATES

OC1. DISCUSS PROPOSED REVISIONS TO CHAPTER 116: PEDDLERS AND SOLICITORS OF THE CODE OF ORDINANCES.

Presented by: Gary Moseley, Police Lieutenant

Summary: Discuss proposed revisions to Chapter 116: Peddlers and Solicitors.

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. Seek legal advice regarding the allocation of sales tax in overlapping jurisdictions

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:

EXE2. Eminent domain actions for the acquisition of easements for the construction and maintenance of a reuse water pipeline, known as West Loop Reuse Pipeline

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 the Riverview Development project and their request for a development agreement

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:

EXE4. Seek legal advice regarding the wastewater treatment plant expansion project

EXE5. Seek legal advice regrading to the Pre-Treatment Program and a potential fine

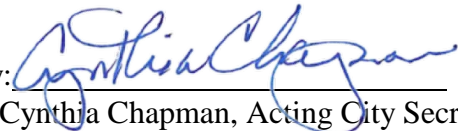
CERTIFICATION

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, April 9, 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: 
Cynthia Chapman, Acting 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.