



CITY COUNCIL REGULAR MEETING MINUTES
MAY 11, 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 council, city staff, and the public were given an opportunity to participate in person or by teleconference.

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

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| <p><u>City Council:</u></p> <ul style="list-style-type: none">X 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 Sonny Russell, Landmark Baptist Church

III. PLEDGE OF ALLEGIANCE

IV. CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- CMP1.** ⌘ *SWEARING IN CEREMONY* ⌘
Councilmembers representing Single Member Districts 2 and 3 were administered their Statements of Elected Officer and Oaths of Office by City Secretary Ivy Peterson and presented the re-elected officers their Certificates of Election.
- CMP2.** Proclamation – National Public Works Week, May 16-22, 2021
- CMP3.** Announcement of Spring Community Picnic at Carver Park, May 15, 2021
- CMP4.** Railroaders Season Update and Presentation – John Junker, President and Co-Owner

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 APRIL 27, 2021 REGULAR COUNCIL MEETING.

RS1. RS05-2021-56 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MAY 25, 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 May 25, 2021 at 11:59 p.m. central standard time.

RS2. RS05-2021-57 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH FOX FAMILY HOMES TO REIMBURSE AN AMOUNT EQUAL TO ASSESSED AND COLLECTED IMPACT FEES UP TO A MAXIMUM OF \$4,000 FOR CONSTRUCTION OF A NEW HOME LOCATED AT 163 COLUMBIA STREET, CLEBURNE, TEXAS.

Presented by: Grady Easdon, Economic Development Manager

Summary: Fox Family Homes has submitted an application for reimbursement of impact fees under the Infill Lot Impact Fee Rebate Incentive Program that was first adopted by City Council at the January 28, 2020 meeting and renewed as part of the Fiscal Year 2021 budget adopted at the September 8, 2020 City Council meeting. Their approximate investment will be \$115,190.00 for a 1,265 square foot home at 163 Columbia Street. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers. Based upon the application and plans received by the builder, this project meets the guidelines and criteria necessary to qualify for reimbursement of impact fees up to a maximum of \$4,000.

RS3. RS05-2021-58 CONSIDER A RESOLUTION ACCEPTING THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2021.

Presented by: Rhonda Daughtery, 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 March 31, 2021, the City invested solely in four Local Government Investment Pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter.

At March 31, 2021, there was \$130,266,819.44 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$25,232.67. The percentage allocation by investment pool at March 31, 2021 is LOGIC: 24.64%, Texas Class: 28.86%, TexPool: 5.69%, TexSTAR: 11.52% and Amegy: 29.30%.

MOTION: to approve as presented in its entirety

	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>

ACTION AGENDA

RS4. RS05-2021-59 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF LOTS 2, 3 AND 4X, BLOCK 1R OF CLEBURNE STATION, BEING ±25.025 ACRES, LOCATED AT THE NORTHEAST CORNER OF NORTH NOLAN RIVER ROAD AND CLEBURNE STATION PARKWAY, AS REQUESTED BY CLEBURNE STATION INVESTMENTS, LP, REPRESENTED BY THE JOHN R. MCADAMS COMPANY, INC., CASE PC21-007.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat for Lots 2, 3 and 4X, Block 1R, of Cleburne Station, for future commercial development. Lot 4X will be a non-buildable lot, except for signage and similar structures, that will be owned and maintained by the POA (Property Owners Association). The Planning and Zoning Commission considered this request at their April 26, 2021 meeting and recommended approval with a vote of 5-0.

MOTION: to approve

	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>

RS5. RS05-2021-60 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF TRAIL CREEK ADDITION, PHASE 1, 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 PC21-008.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat for Trail Creek Addition, Phase I, which is comprised of 137 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 Planning and Zoning Commission considered this request at their April 26, 2021 meeting and recommended approval with a vote of 5-0.

Proponent Josh Brocket was available via teleconference for questions of the Council.

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	Motion Carried		Motion Failed					Roll Call

RS6. RS05-2021-61 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF CRAFTSMAN’S CORNER, BEING ±8.43 ACRES, GENERALLY LOCATED ON THE EAST SIDE OF GRANBURY STREET, ON THE WEST SIDE OF MEADOWS DRIVE AND APPROXIMATELY 250 FEET SOUTH OF WEST KILPATRICK AVENUE, AS REQUESTED BY M. SHARP FAMILY, LP, REPRESENTED BY CORY MURRAY, CASE PC21-010.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the final plat for Craftsman’s Corner, which is comprised of 40 single-family residential lots and two (2) common area lots. The Planning and Zoning Commission considered this request at their April 26, 2021 meeting and recommended approval with a vote of 5-0.

Proponent Cory Murray was present and available for questions of the Council.

MOTION: to approve as presented

	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	Motion Carried		Motion Failed					Roll Call

OR1. OR05-2021-23 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.16 ACRES FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 202 HOLLINGSWORTH STREET AND 147 PEACOCK STREET, AS REQUESTED BY PRESCHER CUSTOM HOMES, REPRESENTED BY LISA PRESCHER, CASE ZC21-005.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 0.16 acres from C1 (Local Business District) to SF-4 (Single-Family District) for the properties located at 202 Hollingsworth Street and 147 Peacock Street. The applicant has indicated their intent to rezone and replat the subject properties into one lot for future construction of a single-family residence. The Planning and Zoning Commission considered this request at their April 26, 2021 meeting and recommended approval by a vote of 5-0.

Mayor Pro Tem Boedeker opened the public hearing....

Lisa Prescher, the applicant was available for questions. No speakers were present on Zoom nor present in chambers.

With no further speakers, Mayor Pro Tem Boedeker closed the public hearing.

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>

OR2. OR05-2021-24 *FIRST READING* CONSIDER AN ORDINANCE GRANTING TO RECYCLOPS, LLC, A UTAH LIMITED LIABILITY COMPANY, A FRANCHISE SERVICE AGREEMENT TO COLLECT, HAUL, AND RECYCLE CERTAIN RECYCLABLE MATERIALS WITHIN THE CITY’S CORPORATE LIMITS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, AND PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In accordance with the City Charter (Sec 10.3.B) this item will be considered at 3 meetings, upon which action may be taken. This is the first of three readings to consider this franchise agreement with Recyclops, LLC, A Utah Limited Liability Company.

Recyclops provides recycling services to both residential and commercial properties that choose to subscribe to their services. This service includes bags that are filled by the customer and placed at the curb at their prescribed day. Recyclops utilizes independent contracted vehicles and drivers, collects the bagged materials, and hauls them to a recycling center.

Staff and the City Attorney have been working on an acceptable Services agreement with Recyclops. Attached is that agreement. A summary would include the following highlights;

- 1) Non-exclusive franchise agreement
- 2) 5 year term, expiring September 30, 2025
- 3) Four additional one-year term renewal options
- 4) Monthly payments equal to \$100 for 0-200 customers, \$250 for 200-500 customers, or \$500 for greater than 500 customers
- 5) Adherence to the City's Right-of-Way ordinance, and
- 6) City retains the right to terminate with or without cause

First Reading - May 11, 2021

Second Reading - May 25, 2021

Third Reading and Action - June 8, 2021

This was the first of three readings for this item and no action was taken.

DISCUSSION & UPDATES

OC1. DISCUSS AMENDMENT TO CHAPTER 155, SECTION 155.30 LAND USE TABLE AND SECTION 155.58 TEMPORARY USES TO CONSIDER PERMITTING TEMPORARY CONCRETE AND ASHALT BATCH PLANTS AS A TEMPORARY USE, PROVIDED CERTAIN CRITERIA CAN BE MET.

Presented by: Shane Pace, Executive Director of Development Services

Summary: Staff proposes amendments to Chapter 155 - Zoning, Section 155.30 Land Use Table and Section 155.58 Temporary uses. Currently, temporary asphalt or concrete batch plants are allowed in the M1 and M2 Districts with approval of a Special Use Permit. Given the temporary nature of the batch plants, staff recommends removing the use of temporary asphalt or concrete batch plant from the schedule of permitted principal uses and, instead, allowing it as a temporary use.

This was a discussion item only and no action was taken at this meeting.

Mayor Pro Tem recessed the Regular Council Meeting at 6:17 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.

§ 551.074. Personnel Matters; Closed Meeting (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

EXE1. City Attorney

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. Discuss Wright Farms MMD, Shane Pace, Executive Director of Development Services

Mayor Pro Tem Boedeker reconvened into open session at 6:52 PM and no action was taken resulting from the above items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:53 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MAY 25, 2021

CITY OF CLEBURNE

Scott Cain, Mayor

ATTEST

Ivy Peterson, City Secretary