



**REGULAR CITY COUNCIL MEETING AGENDA**  
**JANUARY 14, 2020**  
**5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET**

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:00 PM**

**City Council:**

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

**Administration:**

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Ryan Michels, Cleburne Community Church

**III. PLEDGE OF ALLEGIANCE**

**IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~**  
Mayor Cain waived the reading of the guidelines until such a time as necessary

**V. CITIZENS COMMENTS**

- Drake Espinoza, a six grader, appealed to the City Council for the construction a skate park where kids and citizens can have a fun and safe place for skating recreation
- Colton Hutto, a high school student, echoed the same proposal as Mr. Espinoza

**VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

- ☆ Presentation – STARS Award for November, Charles Collier, Airport Department

The regular council meeting was recessed at 5:10 PM to discuss items legally posted in executive session.

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**EXECUTIVE SESSION**

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

The City Council went into Executive Session at 5:11 PM

CALL TO ORDER: The Presiding Officer shall call the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following section:

**A. § 551.071. Consultation with Attorney; Closed Meeting** A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Discuss Cleburne Airport Hangar 98

**The Presiding Officer adjourned the Executive Session of Tuesday, JANUARY 14, 2020 at 5:28 PM**

**THE PRESIDING OFFICER SHALL ANNOUNCE THE RECONVENING OF THE REGULAR MEETING SESSION.**

Mayor Cain reconvened into open session at 5:31 PM and no action was taken resulting from any items posted and legally discussed in Executive Session.

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#### CONSENT ITEMS

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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 will be enacted with one motion.

**M1. CONSIDER MINUTES FOR THE DECEMBER 10, 2019 COUNCIL MEETING.**

**BQ1. CONSIDER PURCHASE FROM PRECISE MACHINERY FOR INFIELD GROOMER AT THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$32,892; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** This item is to replace the current infield groomer for the Sports Complex. The current infield groomers are used at the Sports Complex, Old Sports Complex, Don Moore Park, and Carver Park and have seen extensive use. They require more maintenance each year, which decreases their in-service time. Staff will utilize the current infield groomers at Don Moore and Carver Parks to reduce the wear and tear to the new infield groomer. The ABI Force Z23 is a sole source product, sold and distributed exclusively by Precise Machinery Company, LLC in the States of Texas and Oklahoma. The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**BQ2. CONSIDER PURCHASE FROM C&O EQUIPMENT COMPANY FOR A TORO DINGO TO BE USED AT THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$28,995.71; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** This purchase will allow Parks and Sports Complex staff to address various repairs and projects in developed areas. The Toro Dingo is a ride behind unit that allows staff to work on projects just off trails, on ballfields and in tight areas without destroying turf or irrigation and removing items such as trees or other wanted materials. The Toro Dingo will come with a front end bucket, cement bowl, auger, and broom attachment. This item will be shared by our Parks and Sports Complex Divisions and the purchasing will be divided between them at \$14,497.85. This project was awarded to C&O Equipment Company utilizing the Sourcewell Contract (#042818-TTC). The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**BQ3. CONSIDER PURCHASE FROM AUSTIN TURF & TRACTOR FOR A 60" AEROVATOR TO BE USED AT THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$12,334.25; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** This item is to replace the aging core aerator with a new aerovator. The new aerovator fractures the soil and slices it, thus leaving no plugs to clean up and allowing for more oxygen and water to penetrate the root system, in turn creating a better turf system. Austin Turf & Tractor was awarded this project utilizing a BuyBoard contract (#529-17). The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**RS1. RS01-2020-01**

**CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH GREENSCAPE PUMP SERVICES INC FOR THE CONVERSION OF THE IRRIGATION PUMP SYSTEM TO A VFD CONTROL AT THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$26,282.50; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** The conversion to a VFD control at the Sports Complex will allow staff to remotely watch water levels to ensure proper irrigation of the facilities turf. The current clay valve system is unreliable and required several man-hours to maintain yearly. It does not allow for water monitoring, and has been phased out in the irrigation industry. This project was placed on public purchase and was awarded to Greenscape Pump Services, Inc. The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**RS2. RS01-2020-02**

**CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH GAME COURT SERVICES FOR REPLACEMENT OF BATTING CAGES AT THE SPORTS COMPLEX FOR AN AMOUNT NOT TO EXCEED \$40,760; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** This item is to replace the current batting cages at the Sports Complex. The current batting cages are nearing the end of their useable life. The new batting cages will be installed by Game Court Services (BuyBoard #583-19) and will utilize 4” posts, batting tunnel nets, tension attachments, and batting turf. This will provide a high-end feel for the batting cages for our community youth leagues and will assist in attracting more tournament play at the Sports Complex. The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**RS3. RS01-2020-03**

**CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH COWBOYS PAVING FOR THE RESURFACING AND STRIPING OF PARKING LOTS AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$19,000.00; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** The parking lots at Splash Station are cracking and the striping is no longer visible. This project calls for the cleaning and seal coating the parking lots, along with striping 1,000 square feet of fire lane, 230 general parking spaces, and 11 handicap parking spaces. Quotes were solicited through Public Purchase for this project and Cowboys Paving was awarded this project for \$19,000. The 4B Economic Development Board considered and approved this purchase at their December 5, 2019 meeting.

**RS4. RS01-2020-04**

**CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH SUNBELT POOLS FOR REPLACEMENT OF THE POOL HEATER AT SPLASH STATION FOR AN AMOUNT NOT TO EXCEED \$22,469; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** This will replace the existing pool heater located in the maintenance room at Splash Station. The current heater is nearing the end of its serviceable life. Without replacement, we will continue to spend over \$4,000 every year to service and repair this unit. This project calls for the contractor to remove and dispose of the existing heater, install a new Lochinvar Copper-Fin 2 CPN1262 unit, disconnect and reconnect all piping and utilities, all labor, installation, startup and training costs are included. Proposals were solicited through Public Purchase and Sunbelt Pools was awarded the project for \$22,469. The 4B Economic Development Board considered and approved this purchase at their meeting on December 5, 2019.

**RS5. RS01-2020-05**

**CONSIDER A RESOLUTION AUTHORIZING CONTRACT WITH RAILWAY SERVICE CONTRACTORS, INC FOR REFURBISHMENT OF THE SPIRIT OF CLEBURNE (ENGINE NO. 3417) FOR AN AMOUNT NOT TO EXCEED \$41,883.40; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Person presenting this item: Aaron Dobson, Director of Parks and Recreation

**BRIEF:** The Spirit of Cleburne, located at Hulen Park, serves as a source of pride for our community. However, the Spirit of Cleburne is weather faded and is in need of refurbishment. This project calls for sanding all surface areas, removing rust, and collecting all materials for disposal. It also includes applying an epoxy paint that was developed for transportation bridge coating that holds up in all types of weather. Historically accurate lettering font will be added to the locomotive. Proposals were solicited through Public Purchase for this project and Railway Service Contractors, Inc. was awarded the project for \$41,883.40. The 4B Economic Development Board considered and approved this purchase at their December 5, 2019 meeting.

**RS6. RS01-2020-06**

**CONSIDER A RESOLUTION APPROVING AGREEMENT WITH FREESE AND NICHOLS, INC FOR ENVIRONMENTAL MONITORING OF THE CITY OF CLEBURNE LANDFILL FOR AN AMOUNT NOT TO EXCEED \$58,355.**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** This is an agreement between the City of Cleburne, and Freese and Nichols for environmental monitoring for the City of Cleburne landfill. These services are necessary to comply with the environmental monitoring requirements specified within our landfills operating permit. F&N has been doing our monitoring and they are very familiar with our site and has always done an excellent job for the City on what is specified and any other issues in which we need direction or assistance. This is a two year agreement with year one (2020) in the amount of \$58,355 and an option for year two (2021) in the amount of \$55,355. Funding for this agreement will be from the current sanitation budget (01-91-8664).

**RS7. RS01-2020-07**

**CONSIDER A RESOLUTION AUTHORIZING THE FILING OF A PROJECT APPLICATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE PROGRAM LOCAL IMPLEMENTATION PROJECT.**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** The Public Works is seeking a resolution from the City Council to support submission of a grant application to NCTCOG. This request will be to help fund the site improvements that are being considered at the transfer station to allow for additional drop off locations.

This resolution of support establishes:

- If the grant project is funded, The City of Cleburne will need to comply with the requirements of the North Central Texas Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
- The local government will allocate and expend the necessary moneys to support this grant project and then seek reimbursement from NCTCOG on a timely basis.
- The grant project funds and any project-funded equipment or facilities will be used only for the purposes for which they are intended under the project.
- The grant activities for this project will comply with and support the adopted regional (and local) solid waste management plans adopted for the geographical area in which the activities are performed.

**RS8. RS01-2020-08**

**CONSIDER A RESOLUTION AMENDING THE AGREEMENT WITH CHRISTMAS IN ACTION FOR THE HELPING OCCUPANTS PROSPER EVERYDAY (HOPE) COMMUNITY REVITALIZATION PROGRAM.**

Person presenting this item: Denise Jones, Senior Assistant to the City Manager

**BRIEF:** The City and CIA entered into an Economic Development Program Agreement effective October 1, 2018 and expiring on September 30, 2020. The purpose of the Agreement is to promote economic development through investment in the housing stock within Cleburne. While the City currently pays CIA fifty thousand dollars (\$50,000) annually to administer and implement the HOPE program, additional funds come from sponsorships, donations and fund raising activities. One such activity is the Chili Supper Fundraiser, which was held at the Conference Center for the first time this year. By using the Conference Center, CIA was able to expand the event and offer additional entertainment and activities. As a result, they had their most successful event ever with over \$11,000 raised. Proceeds are used to assist in the purchase of building materials and project supplies.

The City received a request from CIA to consider waiving the rental and setup fees charged to CIA for their annual Chili Supper Fundraiser event, the cost of which is approximately \$850. This would provide CIA with additional funds to use toward the HOPE program. The proposed amendment is as follows:

**Conference Center Use:** As part of their annual fund raising activities to support the HOPE program CIA shall receive up to \$1,000 in credit each calendar year beginning in 2020 towards room rental and setup fees (stage, A/V equipment) for a single event at the Cleburne Conference Center. Any and all other costs, to include but not limited to deposit fees and additional staffing, shall be borne by CIA. Rentals shall be subject to availability and all rental policies and procedures shall apply.

**OR1. OR01-2020-01**

**CONSIDER AN ORDINANCE FOR THE CLASSIFICATION AND NUMBER OF POSITIONS FOR ALL CITY OF CLEBURNE FIREFIGHTERS AND POLICE OFFICERS PURSUANT TO CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE PERTAINING TO CIVIL SERVICE.**

Person presenting this item: Debra Powledge, Director of Human Resources

**BRIEF:** The City of Cleburne is a civil service city, which means we are regulated by Section 143 of the Texas Local Government Code. Section 143.021 of the Texas Local Government Code requires the municipality’s governing body to establish classifications by ordinance. The governing body shall prescribe the number of positions in each classification and is referred to as the “Strength of Force Ordinance”.

A Corporal is retiring at the end of June. It was the intent of Council to eliminate the Corporal positions through attrition and replacing them with Officers. The proposed ordinance increases the Police Officer by 1 to 40 officers. The retirement of this last Corporal effectively eliminates the Corporal Rank.

No changes are being requested to the Fire Department staffing levels. Staff recommends passage of this ordinance.

**OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF NOVEMBER 2019.**

Person Presenting This Item: Troy Lestina, Director of Finance

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

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

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**BIDS & QUOTES**

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**BQ4. CONSIDER PURCHASE OF A SCHWARZE A9 MONSOON REGENERATIVE AIR STREET SWEEPER FROM HEIL OF TEXAS FOR AN AMOUNT NOT TO EXCEED \$261,341.**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** The Public Works department currently operates a street sweeping program for the benefit of the community. This program is essential for removing trash from the streets before it has the opportunity to enter the drainage system. The existing sweeper is not reliable, in need of constant repairs, and the efficiency of the unit has deteriorated significantly. The existing street sweeper has reached the end of its useful life.

The total cost of this vehicle with the associated accessories is \$260,341 plus the required HGAC Fee of \$1,000.00, results in a total cost of \$261,341.00. This purchase will be made in accordance with the HGAC Buy Co-op, which the City of Cleburne is a member, so all competitive purchasing requirements have been met. This purchase was discussed during the FY2020 budget process with the City Council and has been included in the Fiscal Year 2020 General Fund budget.

The City also recently applied for and was granted a grant for the replacement of this vehicle. This will allow for the reimbursement of an amount not to exceed \$67,168 to the City from the Texas Volkswagen Environmental Mitigation Program.

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

**RESOLUTIONS**

**RS9. RS01-2020-09**

**CONSIDER A RESOLUTION AUTHORIZING A CONTRACT WITH PENNINGTON UTILITY CONSTRUCTION, LLC FOR THE BOONE STREET AND CHASE AVENUE STORM DRAIN IMPROVEMENTS PROJECT IN THE AMOUNT OF \$141,660, WITH A 5.9% CONTINGENCY FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED \$150,000.**

Person presenting this item: Jeremy Hutt, Director of Public Works

**BRIEF:** An existing storm drain near the intersection of Boone Street and Chase Avenue has recently experienced catastrophic failures and it has been determined that the underground pipe has exceeded its useful life. A section of this pipe system recently collapsed, requiring an emergency repair in order to address a large sinkhole that developed in an adjacent field.

This project will replace a section of the underground storm drain system prior to the development of the adjacent lots to prevent possible construction conflicts, which would increase the project costs.

Bids were solicited for the Boone Street and Chase Avenue Storm Drain Improvements Project, and six (6) bids were received. Staff has reviewed the bid and identified Pennington Utility Construction, LLC, as the lowest, most responsible bidder with a total contract cost of \$141,660. This approval action is in the amount not to exceed \$150,000.00, which allows for a construction contingency amount of \$8,340 or roughly 5.9% to address field changes in a timely manner.

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>	<i>Motion Carried</i>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>
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**ORDINANCES**

**OR2. DENIED**

**CONSIDER AN ORDINANCE APPROVING A PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 45.13 ACRES OF LAND LOCATED WITHIN THE CHRISTOPHER CHANEY SURVEY, ABSTRACT 124 AND GENERALLY LOCATED AT 1509 EAST SECOND STREET; AS REQUESTED BY MW TEXAS STAR HOMES, LLC, REPRESENTED BY KIMBERLY MALONE.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** A petition for voluntary annexation has been filed with the City by the owner of an approximately 45.13 acre tract of land, generally located at 1509 E. Second Street, 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 January 14, 2020 at 5:00pm in the City Hall Council Chambers.

The applicant has indicated the intent to develop a residential subdivision on the subject property. The subject property is located within the Traditional Neighborhoods District and single-family residential uses are considered appropriate. The adjacent property to the west is currently developed with single-family residential homes, making the proposed land use consistent with the surrounding development patterns. The subject property appears to be adequately served by City water and sewer service.

The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District.

Mr. Pace advised the Council that state law requires annexations into a municipality include adjacent roadway. Therefore, the petitioner will provide a revised survey and legal description to include the county road on the south side of the property. The request as presented is being withdrawn and therefore no public hearing was held. The revised petition and will be re-advertised and presented for consideration at a future council meeting.

**MOTION: to deny**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			X				<b>X</b> Approved as presented
Boedeker	X		X				Approved as amended
Mann		X	X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
<b>X</b>	<i>Motion Carried</i>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>

**OR3. DENIED**

**CONSIDER AN ORDINANCE REZONING ±0.94 ACRES, LOCATED AT 206 WESTHILL DRIVE, 725 SOUTH HILLSBORO STREET, 703 SOUTH HILLSBORO STREET, AND 205 WEST EARL STREET, FROM C1 (LOCAL BUSINESS DISTRICT) TO C3 (COMMERCIAL DISTRICT); AS REQUESTED BY MARK WILLIAMS.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** The applicant has requested to rezone an approximately 0.94 acre tract of land from C1 (Local Business District) to C3 (Commercial District). The applicant has indicated their intent to develop the property for future commercial businesses. The proposed rezone request is to allow for more flexibility in the types of commercial uses allowed on the subject property. The current C1 District is a limited retail and service zoning category intended for use adjacent to residential neighborhoods. The applicant has indicated that the proposed C3 District has been requested to accommodate a broader range of commercial uses than permitted in the C1 district.

The subject property is currently undeveloped, and there appears to have been structures on the property at some point in the past. All structures have now been demolished and the foundations/slabs are still present on the site. There are a variety of existing uses in the area including a garage repair facility to the west and some existing residential homes to the east. From a recent site visit, the existing buildings to the north and south appear to be unoccupied but are industrial in nature.

The Future Land Use Plan shows this property to be located in the Downtown Targeted Development Area. The purpose of this district is to promote downtown as the operational center of the City. The proposed rezone request to the C3 District is considered an appropriate use within this district.

The Planning and Zoning Commission considered this request at their December 9, 2019 meeting and recommended approval by a vote of 5-0.

*\*OPENED PUBLIC HEARING\**

Speakers: None

*\*CLOSED PUBLIC HEARING\**

**MOTION: to deny**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>

**OR4. POSTPONED**

**CONSIDER AN ORDINANCE REZONING ±60.423 ACRES, LOCATED IN THE 1800 BLOCK OF WEST HENDERSON STREET, FROM PD (PLANNED DEVELOPMENT**

**DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT); AS REQUESTED BY GOSSETT FARMS, LLC, REPRESENTED BY DREW DONOSKY.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** On March 27, 2018, the City Council voted 5-0 to approve the existing Planned Development (OR03-2018-26) for a 246 lot single-family development on approximately 60 acres of land. Today, the applicant is requesting an amendment to the Planned Development (PD). The applicant has indicated that the proposed land use and acreage will remain the same and has proposed amendments to some of the development regulations as outlined in the PD standards of OR03-2018-26. Generally speaking, the proposed amendment will increase the number of single-family residential lots from 246 to 274, reduce the minimum lot area from 6,500 SF to 5,000 SF, reduce the lot width from 50/60 feet to 50 feet, reduce the lot depth from 130/120 feet to 100 feet and reduce the house size from 1,800 SF to 1,600 SF. The new average lot area is 7,455 square feet. The applicant contends that these amendments are necessary to make the project financially feasible. Specific amendments are discussed in further detail below.

The property is currently undeveloped. A preliminary plat was approved on June 26, 2018 and has subsequently expired. Prior to the issuance of a building permit, a new preliminary plat and final plat are required for the development of the subject property. See staff's linked agenda report for development plan details.

The Comprehensive Land Use Plan designates the subject property within the Regional Corridor, Villages, and Traditional Neighborhood Districts. Single-family residential uses are considered an appropriate use in the Traditional Neighborhood and Village Districts. However, single-family residential uses are not listed as an appropriate land use in the Regional Corridor District.

The Planning and Zoning Commission considered this request at their December 16, 2019 meeting. The Commission held a healthy debate on this request, and the following motions were proposed:

Commissioner Walker made a motion to approve the request with the additional exhibits presented by the applicant. In the absence of a second, the motion died.

Commissioner Day made a motion to approve the request with the following conditions and Commissioner Walker seconded:

1. Revise the minimum lot area to 6,000 square feet and;
2. Include the additional exhibits presented by the applicant.

Vice-Chairman Archer called for a vote. The Commission arrived at a vote of 2-2 with Commissioners Day and Walker voting "Yea", Commissioners Archer and Philips voting "Nay", and Chairman Weathers abstaining.

The City Attorney stated that when voting on a Planned Development request, it cannot be inferred from a failed motion to approve with various conditions that there is a recommendation of denial. He went on to state that it is permissible to simply say the commission could not arrive at a recommendation. Therefore, the Commission moved to send the item to City Council without a recommendation.

***\*OPENED PUBLIC HEARING\****

Speakers: Drew Donosky, proponent, spoke in favor of the amendments as presented  
 Steve Donosky, developer for this project is also in favor of amended plan in order to make the project financially feasible  
 Scott Lail offered comments about emergency vehicle access

**\*CLOSED PUBLIC HEARING\***

**MOTION: to postpone and continue public hearing to the January 28 regular council meeting at 5:00PM to allow the applicant and city staff to make adjustments to the development plan details**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

**OR5. WITHDRAWN**

**CONSIDER AN ORDINANCE REZONING ±29.12 ACRES, LOCATED APPROXIMATELY 1,000 FEET NORTH OF MT. CARMEL ROAD AND ON THE WEST SIDE OF NORTH MAIN STREET, FROM M2 (HEAVY INDUSTRIAL DISTRICT) TO MF (MULTIPLE-FAMILY DWELLING DISTRICT) AND C2 (GENERAL BUSINESS DISTRICT); AS REQUESTED BY CLEBURNE OZF LLC, REPRESENTED BY RYAN VOORHESS.**

Person presenting this item: Shane Pace, Director of Community Development

**BRIEF:** The applicant has requested to rezone approximately 29.12 acres from M2 (Heavy Industrial District) to MF (Multiple-Family Housing District) and C2 (General Business District) located approximately 1,000 feet north of Mt. Carmel Road and on the west side of N. Main Street. The applicant has indicated their intent to construct a multiple-family housing development and commercial development along N. Main Street. The applicant has provided a conceptual site plan and conceptual building renderings of the proposed multi-family development. These conceptual plans are for informational purposes only and are intended to illustrate an example of the type of multi-family development being proposed and are not up for consideration.

The property is currently an unplatted tract of land and is currently zoned M2 (Heavy Industrial District). The same M2 Zoning District surrounds the property to the north and east across N. Main Street. The property to the south is zoned the SF (Single-Family Dwelling District) while the property to the west is located within the City’s ETJ. The property is surrounded largely by undeveloped tracts of land.

The Future Land Use Plan shows this property to be located in the Approach Corridor, whose purpose is to create approach ways to the City Center with commercial corridors and lower development density. The proposed portion of the rezone request to the MF District is not considered an appropriate use or a specially permitted use within this district. The proposed portion of the rezone request to the C2 District is considered an appropriate use within this district.

The Planning and Zoning Commission considered this request at their December 9, 2019 meeting and recommended approval by a vote of 3-2.

**UPDATE:** *The applicant has submitted a request to formally withdraw this request. The applicant has since submitted a rezoning request for a Planned Development. The new application is currently under review by staff.*

**\*OPENED PUBLIC HEARING\***

Speakers: None

**\*CLOSED PUBLIC HEARING\***

**MOTION: to accept applicant’s request to withdraw**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

**OR6. OR01-2020-02**

**CONSIDER AN ORDINANCE CREATING A NEW REINVESTMENT ZONE NO. 2020-01 IN THE CITY OF CLEBURNE IN CONJUNCTION WITH A PROPOSED INDUSTRIAL PROJECT KNOWN AS LIFECYCLE BIOTECHNOLOGIES, LP, LOCATED AT 421 AND 423 MARTI DRIVE AND 505 WEST INDUSTRIAL BOULEVARD.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Lifecycle Biotechnologies, LP has submitted an application for tax incentives for their proposed new global headquarters and primary production facility at 421 Marti Dr. in Cleburne. In order for the city to consider tax incentives and/or tax abatements, the project must be located within a Reinvestment Zone or Enterprise Zone with prescribed boundaries. If none exist, one must be created. No Reinvestment or Enterprise Zone currently exists at this location, therefore creating the need for the city to establish this new Reinvestment Zone.

A Notice of Public Hearing must be published and posted at least 7 days prior to approval and notification must also be sent to other local taxing entities. Chapter 312 of the State Tax Code allows cities and counties to establish these Reinvestment Zones following prescribed state guidelines and procedures. The city or county creating the zone must have approved criteria, guidelines, and policy in place allowing such tax incentives or abatements.

**\*OPENED PUBLIC HEARING\***

Speakers: None

**\*CLOSED PUBLIC HEARING\***

**MOTION: to approve creating the reinvestment zone named “Lifecycle Biotechnologies LP Reinvestment Zone No 1”**

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

Mayor Cain recessed at 6:55 PM for a brief intermission and reconvened at 7:09 PM for the workshop session.

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**WORKSHOP**

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**I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS**

- C. Review and discuss a resolution creating a Chapter 380 Economic Development Incentive Program to encourage redevelopment of certain “infill” lots located within residential areas – Grady Easdon, Economic Development Manager  
Council directed staff to bring an action item for future consideration.
- A. Discuss the Street Maintenance Program and staff’s recommendation for the FY2020 street projects - Jeremy Hutt, Director of Public Works
- B. Discuss rate structure for reuse water - Jeremy Hutt, Director of Public Works  
Council directed staff to bring an action item for future consideration.

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**ADJOURNMENT**

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**ADJOURNED AT: 8:45 PM**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: JANUARY 28, 2020**