



**CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 8, 2022 @ 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 public were given an opportunity to participate in person or by teleconference.

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

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| <p><u>City Council:</u>
✓ Scott Cain, Mayor
✓ Derek Weathers, SMD 1
✓ Chris Boedeker, Mayor Pro Tem/SMD 2
✓ Mike Mann, SMD 3
✓ John Warren, SMD 4</p> | <p><u>Administration:</u>
✓ Steve Polasek, City Manager
✓ Ashley Dierker, City Attorney
✓ Ivy Peterson, City Secretary</p> |
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II. INVOCATION by Brother Daniel Gibbs, Open Heart Ministries

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~
The Mayor waived the reading of the guidelines to speak until such a time is necessary.

V. CITIZENS COMMENTS
An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda. There were no speakers.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS
There were no 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.

MN1. CONSIDER MINUTES FOR THE JANUARY 25, 2022 REGULAR COUNCIL MEETING.

RS1. RS02-2022-17 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL FEBRUARY 22, 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 February 22, 2022 at 11:59 p.m. central standard time.

RS2. RS02-2022-18 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH PABLO VILLASANA, JR UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM, FOR PROPERTY LOCATED AT 8 EAST CHAMBERS STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. Villasana has submitted an application under the terms of the City’s Downtown Building Rehabilitation Matching Incentive Program requesting funds to make improvements to the property located at 8 East Chambers Street, known as L&L 1961. The scope of work includes demolition of some interior walls and 8’ ceiling for an “open concept” retail shop, relocation of HVAC from center to rear of building, removal of current electrical and reroute wiring, and expose brick on interior sidewalls.

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Estimated cost of repairs is \$15,000.00, so the reimbursement would be \$7,500.00. If this request is approved, there will be \$3,950.00 remaining for other projects for FY2022.

OR1. OR02-2022-11 CONSIDER AN ORDINANCE ORDERING AN ELECTION TO BE HELD ON MAY 7, 2022, AND A RUN-OFF ELECTION, SHOULD SAME BE REQUIRED, ON JUNE 18, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR SINGLE MEMBER DISTRICTS ONE AND FOUR.

Presented by: Ivy Peterson, City Secretary

Summary: This Ordinance constitutes the official order and calling of a General Election for the City of Cleburne, Texas, to be held on the first Saturday in May, which is May 7, 2022. This election will be held for the purpose of electing a Mayor at-large and Councilmembers for representing Single Member Districts One and Four. The Ordinance establishes, among other things, purpose of election, polling locations and times, The appointment of Judges and Alternate Judges, as well as the rates for compensation will be presented for your consideration at a future council meeting.

Pursuant to the Joint Election Services Agreement, the City and CISD elections will be held as a combined election to maintain consistency and accessibility in voting practices, polling places and procedures to best accommodate the voters in both jurisdictions. There are a total of six polling places, two for early voting and four on election day. If all races for City and CISD

are on the ballot, the total cost will be shared 50/50. Otherwise, the cost to each agency is proportionate to the number of polling places used.

The CISD will compensate the City for administering the election with a percentage of the total cost. Should the City require a runoff election, the City’s portion of another election will be 100%.

RS3. RS02-2022-19 CONSIDER A RESOLUTION AUTHORIZING AN AGREEMENT WITH FREESE & NICHOLS, INC FOR ENVIRONMENTAL MONITORING OF THE CITY OF CLEBURNE LANDFILL FOR 2022 WITH AN OPTION TO RENEW FOR 2023, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND SUBSEQUENT RENEWAL FOR AN AMOUNT NOT TO EXCEED \$56,610.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has utilized the services of Freese and Nichols (F&N) for environmental monitoring for the City of Cleburne landfill in the past and received good service. The proposed agreement will set the conditions of the work and compensation at \$56,610, with an option to renew if the City so chooses for the 2023 calendar year.

These services are necessary to comply with the environmental monitoring requirements specified within the City’s landfill operating permit. F&N has performed Cleburne’s monitoring and are familiar with the current site. F&N has always done an excellent job for the City on what is specified in the agreement, and with any other issues in which the City has needed direction or assistance. Funding for this agreement will be from the current sanitation budget (01-91-8664).

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	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	Motion Carried		Motion Failed					Roll Call

ACTION AGENDA

OR2. OR02-2022-12 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±29.07 ACRES FROM PD (PLANNED DEVELOPMENT DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) TO AMEND THE MULTI-FAMILY DEVELOPMENT STANDARDS, GENERALLY LOCATED NORTH OF MT. CARMEL ROAD AND ON THE WEST SIDE OF NORTH MAIN STREET, AS REQUESTED BY CLEBURNE OZF, LLC, REPRESENTED BY GOLD CREEK HOMES, CASE ZC21-033.

Presented by: David Jones, Director of Community Development

Summary: The Planned Development (PD) for the Live Oak Apartments was originally approved in February 2020 for a multi-family apartment complex and commercial development along North Main Street.

The applicant is requesting an amendment to the PD to revise the proposed building elevations and amenities for the Live Oak Apartments. The applicant is requesting to revise the design of the apartment buildings, including roof pitch, window and entryway detailing, balcony design and allocation of building materials. Additionally, the applicant is requesting to update the proposed amenities to remove the volleyball court and add two (2) recreation areas and a putting green area. The applicant has provided a letter of intent, building renderings and examples of the amenities for the PD amendment request.

The Planning and Zoning Commission considered this request at their January 24, 2022 meeting and recommended approval with a vote of 4-1 with the following condition:

1. The addition of stone material for the breezeways (entryways).

Mayor Cain opened the public hearing. There were no speakers and the public hearing was closed.

MOTION: to approve as presented with the recommendation of P&Z to use stone material for the breezeways (entryways)

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

OR3. OR02-2022-13 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±138.25 ACRES FROM IH (INTERIM HOLDING DISTRICT) AND M2 (HEAVY INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), GENERALLY LOCATED WEST OF CHISHOLM TRAIL PARKWAY AND SOUTH OF WEATHERFORD HIGHWAY, AS REQUESTED BY DRAGON S RANCH PARTNERSHIP, REPRESENTED BY CLEBURNE 135, LLC, CASE ZC21-034.

Presented by: David Jones, Director of Community Development

Summary: The applicant has requested to rezone approximately 138 acres from IH (Interim Holding District) and M2 (Heavy Industrial District) to SF-4 (Single-Family Dwelling District), for the property generally located approximately 1,000 feet west of Chisholm Trail Parkway and on the south side of Weatherford Highway. The applicant has indicated their intent to develop a single-family residential subdivision.

The Planning and Zoning Commission considered this request at their January 24, 2022 meeting and recommended the SF-3 (Single-Family Dwelling District) for approval with a vote of 5-0.

Mayor Cain opened the public hearing. There were no speakers and the public hearing was closed.

Proponents Rebecca Roe, was available in person, and Tom Hazlewood was available via teleconference, should the Council have questions.

MOTION: to approve SF-4 zoning as requested by the applicant

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers			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>

OR4. OR02-2022-14 *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.38 SIGN TYPES, TO PERMIT A MONUMENT GROUND SIGN FOR SCOOTER’S COFFEE, LOCATED AT 2102 NORTH MAIN STREET, CASE VC22-002.

Presented by: David Jones, Director of Community Development

Summary: Scooter’s Coffee is proposing a new location at 2102 North Main Street and has submitted a formal request for two (2) variances to permit an increase in maximum sign height and a waiver from the enclosure requirement for a proposed ground sign. The ground sign will feature a masonry base with an upper cabinet sign with the business name and a lower cabinet sign for advertisement of the drive-thru. The applicant contends that the requested variances are necessary to enhance visibility for travelers along North Main Street.

Mayor Cain opened the public hearing. There were no speakers and the public hearing was closed.

Proponent Ty Fichtner was available in person should the Council have questions.

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>

RS4. RS02-2022-20 CONSIDER A RESOLUTION AUTHORIZING AN INCREASE IN EXPENDITURES OF \$65,000 FOR FISCAL YEAR 2022 FROM THE MAINTENANCE AND REPAIR RESERVE FUND AS PART OF THE STADIUM LEASE AGREEMENT BETWEEN CLEBURNE BASEBALL, LLC, AND THE CITY OF CLEBURNE.

Presented by: Steve Polasek, City Manager

Summary: As part of the City’s stadium lease agreement with Cleburne Baseball, LLC (Tenant) there exists a Maintenance and Repair Reserve Fund (Maintenance Fund). The Maintenance Fund was established to allow for repair, replacement and maintenance of such items as HVAC units, elevator, flooring/carpeting, or other improvements that will enhance the use or safety of the stadium. The Maintenance Fund is financed through annual contributions of \$25,000 each from the Tenant and the City. In addition, the annual rent payments are also deposited in to the Maintenance Fund. Once final payments are received, the anticipated fund balance as of March 31, 2022 is \$155,049.

The Stadium Lease Agreement (Agreement) automatically allows for the Tenant to deduct up to \$25,000 annually from the fund for such items as listed above. The Tenant is asking to exceed this amount by \$65,000 for the repair, replacement and addition of padding along a portion of the field walls and railings. The existing padding is now five years old and has weathered over time resulting in cracks, rips and fading. Going forward, the intent is to develop an annual field padding replacement schedule in order to consistently maintain a high level of quality and avoid a complete replacement scenario. Any funds not spent within a fiscal year remain in the Maintenance Fund and are available for future projects.

This year is the first time that the Tenant is seeking to go beyond the \$25,000 maintenance amount; however, as the stadium ages, additional requests can be expected to address larger ticket items such as artificial turf and field lighting.

Proponent John Junker was available in person and answered 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

RS5. RS02-2022-21 CONSIDER A RESOLUTION AUTHORIZING A 5-YEAR LEASE PURCHASE AGREEMENT WITH KYOCERA DOCUMENT SOLUTIONS AMERICA, INC FOR MULTIFUNCTION PRINTERS, SOFTWARE, AND SUPPORT IN AN AMOUNT NOT TO EXCEED \$291,610.

Presented by: David Raybuck, Director of Information Technology

Summary: The City uses shared multifunction printers (MFPs) for most document printing, copying, and scanning needs. The City currently has two 5-year leases with Kyocera Document Solutions (formerly Nevill Document Solutions) that expire soon: a lease for 20 devices that expires in May 2022, and a lease for three devices that expires in August 2022. This resolution will authorize a new five-year lease to replace the 23 devices with new equipment and add seven more devices at locations needing them. This will also include support, maintenance, toner, and MyQ print management software. MyQ will reduce color printing, improve security when printing sensitive documents, enable scanning large files to secure repositories, decrease IT support time, and track usage via employee PIN entry or badge scan. The not-to-exceed cost of \$291,610 includes the base payment of \$4,012/month, overage costs estimated at \$214 per month, and a 15% contingency (\$38,036) over the five-year term. This lease purchase will leverage the TexBuy/AEPA Contract #AEPA IFB 021-C to meet all competitive purchasing requirements. The City will own the equipment at the end of the five-year term.

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	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OR5. REVIEW AND DISCUSS THE PROPOSED ZONING ORDINANCE UPDATE CONSISTING OF THE FOLLOWING:

****CONTINUE PUBLIC HEARING** CONSIDER AN ORDINANCE AMENDING CHAPTER THREE: “PLAN COMPONENTS” OF THE CITY OF CLEBURNE’S 2014 COMPREHENSIVE PLAN, PLAN CLEBURNE; THE CLEBURNE COMPREHENSIVE PLAN, A VISION FOR THE FUTURE, A ROADMAP FOR GROWTH, BY REPEALING AND REPLACING THE “FUTURE LAND USE PLAN” SECTION IN ITS ENTIRETY.**

****CONTINUE PUBLIC HEARING** CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, OF THE CODE OF ORDINANCES OF THE CITY OF CLEBURNE, BY REPEALING AND REPLACING CHAPTER 155: ZONING, IN ITS ENTIRETY, AND BY REVISING THE ZONING DISTRICT MAP OF THE CITY OF CLEBURNE.**

Presented by: David Jones, Director of Community Development

Summary: This is a continuation of the public hearing from November 9, 2021. The purpose of this item is to brief Council on public outreach efforts related to the Zoning Ordinance update, outline the next steps in the project, and to continue the public hearing to March 8, 2022. No action is being requested at this meeting.

Mr. Jones introduced Freese and Nichols consultant Daniel Harrison, Project Manager who provided Council with a project and process overview. Mr. Harrison also provided a general timeline of certain events during the process:

- September 24, 2020 | Open House #1 | Review Diagnostic Evaluation
- October 13, 2021 | Open House #2 | Review Draft Zoning Ordinance
- October 25, 2021 | P&Z Public Hearing | Draft Zoning Ord
- November 9, 2021 | City Council Public Hearing | Draft Zoning Ord
- January 18, 2022 | Open House #3 | Residential Open House
- January 20, 2022 | Open House #4 | Residential Open House
- January 8, 2022 | Council Public Hearing and Update of Residential Open Houses
- February 15, 2022 | Open House #5 | Non-Residential and Overlay Open House
- February 17, 2022 | Open House #6 | Non-Residential and Overlay Open House
- February 24, 2022 | Zoning Advisory Committee Meeting
- March 8, 2022 | Council Public Hearing and Update of Non-Residential and Overlay Open Houses
- Spring 2022 | Planning & Zoning Meeting to Consider Adoption
- Spring 2022 | Council Meeting to Consider Adoption

Mayor Pro Tem Boedeker complimented Mr. Jones for his efforts with community members, hearing their feedback and concerns, and addressing those concerns in the proposed zoning ordinance.

Mayor Cain continued/opened the public hearing. Members of the public who registered to speak with the City Secretary were invited to come forward.

Phillip Brown spoke in opposition of the design standards to being included in the ordinance as part of the City's Code and requested that portion be deleted.

There were no further speakers and Mayor Cain stated that the public hearing will be continued at the next Council Meeting on March 8, 2022.

This item was presented as an update to Council, and allowed an opportunity for the public to offer comments/feedback. No formal action was taken.

Mayor Cain recessed the Regular Council Meeting at 6:14 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.

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. ~~Discuss Wright Farms Municipal Utility District~~

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)

EXE3. Seek legal advice regarding the Pre-Treatment Program and a potential fine

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:

EXE4. Discuss real property located at 1600 Edgewood Court

Mayor Cain reconvened into open session at 7:10 PM and no formal action was taken resulting from items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 7:10 PM

APPROVAL OF MINUTES
