



**CITY COUNCIL REGULAR MEETING MINUTES**  
**FEBRUARY 22, 2022 @ 5:00PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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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.

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

**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
- ✓ Drew Larkin, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Dean Elliott, Cleburne Bible Church

**III. PLEDGE OF ALLEGIANCE**

**IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~** Mayor Cain waived until 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**

**CMP1.** Presentation – 2021 Racial Profiling Data Report, Robert Severance, Chief of Police

- Article 2.134 of the Texas Code of Criminal Procedure has required law enforcement agencies in Texas to submit a report of motor vehicle stops to their governing body and the state each year since 2001
- The Cleburne Police Department’s report, which provides information on 7,755 motor vehicle stops conducted in 2021, was submitted to the Texas Commission on Law Enforcement on February 16, 2022
- The Cleburne City Marshal’s Office and Fire Marshal’s Office do not make traffic stops in the routine performance of their official duties

- Racial Profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (CCP 3.05)
- Racial Profiling is illegal and strictly prohibited

The Policy on Racial Profiling was reviewed as well as public education about the complaint process, including contact information.

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## CONSENT AGENDA

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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 was enacted with one motion.

**MN1. CONSIDER MINUTES FOR THE FEBRUARY 8, 2022 REGULAR COUNCIL MEETING.**

**RS1. RS02-2022-22 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MARCH 8, 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 March 8, 2022 at 11:59 p.m. central standard time.

**OR1. OR02-2022-15 CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2021 TO SEPTEMBER 30, 2022 (#3) BY APPROPRIATING \$30,000 FOR THE DOWNTOWN BUILDING REHABILITATION INCENTIVE PROGRAM.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: The Economic Development Division desires to increase appropriations in Other Services (01-40-8699) in the amount of \$30,000 for the Downtown Building Rehabilitation Incentive Program in Fiscal Year 2022. The purpose is to amend the General Fund budget from Fund Balance Reserves to add the appropriation for this expenditure.

**RS2. RS02-2022-23 CONSIDER A RESOLUTION AUTHORIZING A 380 AGREEMENT WITH BASILEIA LLC, REPRESENTED BY LUIZ AND MARTA OLIVEIRA UNDER THE TERMS OF THE DOWNTOWN BUILDING REHABILITATION MATCHING INCENTIVE PROGRAM FOR**

**IMPROVEMENTS TO PROPERTY LOCATED AT 216 EAST CHAMBERS STREET.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Basileia, LLC has submitted an application under the terms of the City's Downtown Building Rehabilitation Matching Incentive Program seeking funding for upgrades and enhancements to their property located at 216 E. Chambers Street. Repairs and upgrades include:

- Remove and replace deteriorating grout on interior brick walls in garage area to enhance for retail space
- Replace existing HVAC unit with new high-efficiency HVAC unit

Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$25,000. Total cost of this project for improvements is \$14,069.00; therefore, \$7,035.00 would be the maximum match by the City. Should the budget amendment on this agenda be approved adding \$30,000 to the Program, there would be \$26,915.00 in remaining funds for other projects under the Program for the remainder of FY 2022.

**RS3. RS02-2022-24 CONSIDER A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$26,328.91 FOR TACTICAL VEST UPGRADES FROM THE OFFICE OF THE GOVERNOR-CRIMINAL JUSTICE DIVISION.**

Presented by: Brian Davenport, Police Department Lieutenant

Summary: This is to consider a Rifle Resistance Body Armor Grant Program Application to the Office of the Governor- Criminal Justice Division for \$26,328.91 to purchase 21 rifle resistant vests. The tactical vest upgrades will provide additional Level IV vests for officers. No matching funds are required.

**RS4. RS02-2022-25        CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE ENDO AND TEVA TX SUBDIVISION RELEASE FORMS AND OTHER NECESSARY DOCUMENTS TO THE STATE OF TEXAS FOR PARTICIPATION IN THE NATIONWIDE OPIOID SETTLEMENT AGREEMENTS.**

Presented by: Steve Polasek, City Manager

Summary: After years of negotiations, proposed Texas settlement agreements (“Settlements”) have been reached that would resolve all opioid claims for Texas and its political subdivisions against pharmaceutical manufacturer Teva Pharmaceutical Industries Ltd.; Teva Pharmaceuticals USA, Inc. (“Teva USA”); Cupric Holding Co., Inc.; Teva Pharmaceutical Holdings Cooperative U.A.; Teva Pharmaceuticals Europe B.V.; Cephalon, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Warner Chilcott Co., LLC; Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. f/k/a Watson Laboratories Inc.-Salt Lake City; Actavis Laboratories FL, Inc. f/k/a Watson Laboratories, Inc.-Florida; and Anda, Inc. (“Teva”), and Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Endo International plc, Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc. (“Endo”).

The proposed Settlement with Teva requires them to pay \$225 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, \$150 million is to be a direct monetary payment, of which approximately \$131.5 million is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. As part of the settlement, Teva will also provide \$75 million worth of generic Narcan to the State of Texas for use by local law enforcement and medical personnel to provide lifesaving intervention for opioid overdoses.

The proposed Settlement with Endo requires them to pay \$63 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, approximately \$56 million is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis.

Both settlements also contain injunctive relief provisions governing the opioid marketing and sale practices at the heart of the opioid claims in the lawsuits. The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

**OC1. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE GYMNASIUM AND BANQUET HALL FLOORING REPLACEMENT AT BOOKER T. WASHINGTON COMMUNITY AND RECREATION CENTER BY PONDER COMPANY, INC, FOR AN AMOUNT NOT TO EXCEED \$93,921; AS RECOMMENDED BY CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: This item calls for the replacement of the gymnasium and banquet hall flooring at the Booker T. Washington Community and Recreation Center. The current flooring in the gymnasium is aging and has various spots that do not allow for the bouncing of a basketball, and

the banquet hall flooring limits the flexibility of the use of the room. The improved flooring will allow the gymnasium to better serve athletic and recreation guests and allow for the banquet hall to meet the greater need of guests. Ponder Company, Inc. was awarded this project utilizing BuyBoard (r41-21) for an amount not to exceed \$93,921 (Gymnasium - \$77,346 and Banquet Hall - \$16,575). The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the February 10, 2022 meeting.

**OC2. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE INTERIOR PAINTING AT BOOKER T. WASHINGTON COMMUNITY AND RECREATION CENTER BY DHC TEXAS CONSTRUCTION, RESTORATION AND REPAIR FOR AN AMOUNT NOT TO EXCEED \$38,190; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: This item is to re-paint interior rooms at the Booker T. Washington Community and Recreation Center, including the gym, weight room, banquet hall, cardio room, foyer, hallway walls and front doors. This does not include the kitchen or bathrooms at this time. The facility has not been professionally painted since the opening of the facility. DHC Company, was awarded this project utilizing TIPS (200201) for an amount not to exceed \$38,190. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the February 10, 2022 meeting.

**OC3. CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR THE TURF CHEMICAL MAINTENANCE AT THE SPORTS COMPLEX BY TEXAS MULTI-CHEM FOR AN AMOUNT NOT TO EXCEED \$31,740; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: This item calls for Texas Multi-Chem to oversee the application of post emergent, pre-emergent, ant control, and fertilizer (15-5-10) on two occasions through the year. The specific fertilizer selected is based on soil samplings and will help provide safe and vibrant field conditions for guests. Texas Multi-Chem was awarded this program utilizing BuyBoard (611-20) for an amount not to exceed \$31,740. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the February 10, 2022 meeting.

**OR2. OR02-2022-16 CONSIDER AN ORDINANCE AMENDING CHAPTER 98: PARKS AND RECREATION, SECTION 98.027(A) SPLASH STATION ADMISSION FEES, FOR THE PURPOSE OF OMITTING FEE STRUCTURE FOR LIFEGUARD CERTIFICATION AND TESTING EFFECTIVE MARCH 1, 2022; AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary The American Red Cross oversees the training and certification of lifeguards and periodically updates the rates with limited advanced notification. In order to recover costs and utilize the updated rates for the various trainings offered at Splash Station, it is recommended the

subsections for “Water safety/first aid courses and certifications” and “Lifeguard testing for Splash Station employees only” be removed from the Code of Ordinances. The 4B Economic Development Board of Directors considered and unanimously recommended this purchase at the February 10, 2022 meeting.

**OR3. OR02-2022-17      CONSIDER AN ORDINANCE ACCEPTING A QUITCLAIM DEED FOR THE PROPERTY KNOWN AS THE KIWANIS “SCOUT HUT” BUILDING LOCATED AT 100 MANSFIELD ROAD AND AUTHORIZE THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS TO FINALIZE THE TRANSACTION.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The Kiwanis “Scout Hut” sets on City property and has been utilized by the local Kiwanis group for many years as a storage location for their various events. On February 1, 2022 the Kiwanis board notified Cleburne Parks and Recreation of their intent to no longer claim the scout hut and relinquish the building to the City. On February 11, 2022 Kiwanis President Drew Stallings signed a Quitclaim for the scout hut.

**RS5. RS02-2022-26      CONSIDER A RESOLUTION ADOPTING PREVAILING WAGE RATES FOR JOB CLASSIFICATIONS UTILIZED ON CONSTRUCTION CONTRACTS FOR THE CITY OF CLEBURNE.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Chapter 2258 of the Texas Government Code states that “A worker employed on a public work by or on behalf of the state or a political subdivision of the state shall be paid not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and not less than the general prevailing rate of per diem wages for legal holiday and overtime work.” This agenda item is for council to adopt the prevailing wage rates as determined by the United States Department of Labor in accordance with the Davis-Bacon Act, and subsequent amendments, as the prevailing rates of per diem wages for job classifications utilized on construction contracts for roadway, drainage, water and sanitary sewer infrastructure and major street maintenance contracts in the City of Cleburne. Updated survey results for Johnson County, Texas are issued annually by the Department of Labor.

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

	Motion	Second	Aye	No	Abstain	Absent	Result
Weathers		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>

**ACTION AGENDA**

**RS6. RS02-2022-27** CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF BATES RIDGE ADDITION, FOR 375 SINGLE-FAMILY DETACHED RESIDENTIAL LOTS AND 15 OPEN SPACE LOTS, BEING ±84.797 ACRES, GENERALLY LOCATED APPROXIMATELY 1,700 FEET WEST OF NOLAN RIDGE DRIVE, BETWEEN WEST KILPATRICK AVENUE AND US HIGHWAY 67, AS REQUESTED BY BATES FARMS LP, REPRESENTED BY CLAYMOORE ENGINEERING, CASE PC22-001.

Presented by: David Jones, Director of Community Development

Summary: The applicant is requesting approval of the preliminary plat for Bates Farms Addition, which consists of 375 single-family detached residential lots and 15 open space lots. The extension of Yellow Jacket Drive as a 60-foot minor collector road will be constructed as part of this development, connecting Kilpatrick Avenue and U.S. Highway 67.

The preliminary plat meets all of the minimum requirements as outlined in PD OR01-2022-05 and Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their February 14, 2022 meeting and recommended approval with a vote of 7-0.

Kyle Gill and Brad Bates were available in person should Council have any 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		X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>				<i>Roll Call</i>

**RS7. RS02-2022-28** CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT EXTENSION OF BAKER FARMS ADDITION, FOR 273 SINGLE-FAMILY DETACHED RESIDENTIAL LOTS AND 7 OPEN SPACE LOTS, BEING ±60.423 ACRES, GENERALLY LOCATED IN THE 1800 BLOCK OF WEST HENDERSON STREET, AS REQUESTED BY HSM BAKER FARMS LLC, REPRESENTED BY STEVE DONOSKY, CASE PC20-006.

Presented by: David Jones, Director of Community Development

Summary: The applicant is requesting an extension for approval of the preliminary plat for Baker Farms Addition, a residential subdivision comprised of 271 single-family detached lots and seven (7) open space lots. The preliminary plat was originally approved by the City Council on March 24, 2020.

Section 154.022(O) of the Subdivision Ordinance states: *“Approval of the preliminary plat shall be valid for a period of 12 months from the date of approval, and the general terms*



*and conditions under which the approval was granted will not be changed. The approval of a preliminary plat shall expire unless a final plat is approved on any portion of the preliminary plat within the 12-month period. The validity of the preliminary plat is extended indefinitely after approval of a final plat of any portion of the preliminary plat. The Director of Public Works or his designated representative may grant one extension of the approval of a preliminary plat for a period of up to 12 months. Additional extensions beyond the initial 12-month extension may only be approved by City Council.”*

On March 5, 2021, the applicant requested a 12-month extension for the preliminary plat in order to allow for the completion of the required engineering work associated with the development. On March 8, 2021, the Director of Public Works approved this request, allowing the extension for approval of the preliminary plat until March 24, 2022. The applicant received approval of the civil construction plans by the City’s Engineering Department on May 28, 2021.

The applicant states that numerous delays have been experienced throughout this project. The development is currently under construction and rough excavation has been completed. The applicant anticipates construction activities to be completed for a final walk through in the 4th quarter of 2022 and the start of residential construction in the 1st quarter of 2023.

The applicant is requesting an additional 12-month extension from the City Council in order to finalize construction before submittal of the final plat. The City Council may grant the 12-month extension for the preliminary plat, to expire on March 24, 2023 if the final plat has not been approved by that date.

The preliminary plat meets all of the minimum requirements as outlined in PD OR01-2020-10 and Chapter 154 of the Code of Ordinances

Drew Donosky was available via teleconference should the Council have any questions.

Councilman Weathers questioned why there was a delay in the project. Mr Donosky replied it was due to labor shortages, and the infrastructure would take about a year.

**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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>				<b>Roll Call</b>



**OR4. OR02-2022-18 CONSIDER AN ORDINANCE APPROVING THE TEMPORARY USE OF HULEN PARK LOCATED AT 900 S HILLSBORO ST FOR “SPRING CARNIVAL” FROM APRIL 7, 2022 THRU APRIL 10, 2022. THIS SPECIAL EVENT DESCRIBED IN §155.58 TEMPORARY USES MEETS THE CRITERIA DEFINED IN THIS SECTION, AS REQUESTED BY CLEBURNE PERFORMING ARTS, LLC, REPRESENTED BY MAXINE AMMONS, CASE GC22-003.**

Presented by: David Jones, Director of Community Development

Summary: The applicant is requesting the Temporary Use of Hulen Park for the annual Spring Carnival, previously known as Spring Fest, described under §155.58: Temporary Uses and restrictions set by the Parks Board.

The Carnival will begin setting up on Tuesday, April 5, 2022 and will complete clean up on Monday, April 11, 2022. Spring Carnival will be held from Thursday, April 7, 2022 through Sunday, April 10, 2022. The hours of operation will be 10 a.m. to 10 p.m.

This item was presented to the Parks and Recreation Advisory Board on February 7, 2022. The Board approved the event with the following restrictions:

- All noise must be turned off by 8:00pm during on-site preparation; noise must be turned off by 10:00pm each night of the event.
- On sight electricity will not be available for this event.
- The sale of glass containers will be prohibited, as will any games/activities that utilize glass containers.
- In the event there are any leaks from the carnival equipment, they must be cleaned by proper OSHA standards.
- A \$2,500 deposit will be delivered to the Parks Administrative office one (1) week prior to the on-site preparation.
- Barring a natural event, the park should be cleaned and placed in the same condition as it was found by April 11, 2022 at 5:00 pm.
- A \$1,000 charge per day will be deducted from the deposit for each day the park is not ready; additional charges may be applied for further delays or damage.
- If not discussed above, this event must comply with all other City of Cleburne Parks & Recreation Ordinances.

This item is being presented for City Council’s approval for the annual Spring Carnival, as held in previous years. The Planning and Zoning Commission considered this request at their February 14, 2022 meeting and recommended approval with a vote of 7-0.

Maxine Ammons was available in person should the Council have any questions.

**MOTION: to approve as presented including restrictions presented by the Parks and Recreation Advisory Board**

	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:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

**OR5. OR02-2022-19                    \*PUBLIC HEARING\*                    CONSIDER AN ORDINANCE APPROVING A SERVICE AGREEMENT WITH HMI CLEBURNE RV, LLC AND VOLUNTARY ANNEXATION FOR ±107.33 ACRES, LOCATED WITHIN A PORTION OF THE JACKSON COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 435 AND THE J.M. GOLSTON SURVEY, ABSTRACT NO. 301, AND GENERALLY LOCATED ON THE NORTH SIDE OF US HIGHWAY 67, ON THE EAST SIDE OF COUNTY ROAD 1123 AND APPROXIMATELY 2,100 FEET SOUTH OF WOODARD AVENUE, AS REQUESTED BY HMI CLEBURNE RV, LLC, CASE GC22-001.**

Presented by: David Jones, Director of Community Development

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 107.33 acres, generally located on the north side of US Highway 67, on the east side of County Road 1123 and approximately 2,100 feet south of Woodard Avenue, contiguous to the City of Cleburne.

The applicant is requesting 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 subject property is located within the Sustainable Communities Districts, whose purpose is to encourage specialty residential enclaves where lots and buildings respond to the natural landscape. The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding Districts. The applicant has indicated their intent to request rezoning of the property for a proposed single-family residential subdivision to be submitted at a later date.

Mr. Brandon Shelby was available in person should the Council have any questions.

Mayor opened the public hearing, there were no speakers and the public hearing was closed.

May Pro Tem Boedeker asked questions concerning whether this was contiguous annexation and if the water source would be provided by the City or by Johnson County Special Utility District. Mr. Jones confirmed that the annexation is contiguous and is adjacent to Buddy Stewart Park. Mr. Jones indicated the water service details are still in the works.

**MOTION: to approve the service agreement**

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		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>

**MOTION: to approve the voluntary annexation**

	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>

**OR6. OR02-2022-19 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.24 ACRES FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 207 EVANS STREET, AS REQUESTED BY BAFCO LLC, CASE ZC22-002.**

Presented by: David Jones, Director of Community Development

Summary: The applicant has requested to rezone approximately 0.24 acres from M1 (Light Industrial District) to SF-4 (Single-Family District) for the property located at 207 Evans Street. The applicant has indicated their intent to rezone and replat the subject property for the construction of a single-family residence.

The Planning and Zoning Commission considered this request at their February 14, 2022 meeting and recommended approval with a vote of 7-0.

Mayor Cain opened the public hearing. There were no questions therefore the Mayor closed the public hearing.

Brian Fox BAFCO, LLC Representative was available in person for any questions Council may have.

**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>

**OR7. OR02-2022-20 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 30: CITY GOVERNMENT, SECTION 30.06: MASTER PLANS ADOPTED; BY ADOPTING THE 2022 MASTER THOROUGHFARE PLAN.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The Master Thoroughfare Plan (MTP) is a long-range planning document whose major objective is to identify transportation facilities needed to assure the orderly development of a roadway network that can adequately facilitate the safe movement of traffic as Cleburne continues to grow.

The City’s previous MTP was completed in 2008, with minor updates made in 2017. On February 9, 2021, City Council approved a contract with Kimley-Horn and Associates to complete a comprehensive update to the City’s MTP. The project is now complete and is being presented for adoption.

This project took a comprehensive look at recent and projected development, and re-evaluated connectivity and roadway alignments in areas of current and future growth. Recommended roadway improvements, including new roadway recommendations, have been prioritized in Tier 1-3 levels, with program cost estimates provided for City budget and planning purposes.

The roadway cross sections have been updated to meet the City’s vision of providing enhanced roadway corridors along major roads, with an increased focus on pedestrian activity and safety. Changes include increased parkway widths to accommodate trails, sidewalks, lighting and landscaping, when appropriate.

The MTP includes an evaluation of key intersections, with recommended improvements identified and prioritized. It also includes new Traffic Signal Design Guidelines, including standardized equipment details, which will increase efficiency and operation in that area. Other elements in the plan include general recommendations for addressing traffic calming, a section to address “legacy” roadways of substandard right-of-way widths that exist within the City, and other minor elements.

This final document is a collaboration of multiple efforts. Several updates have been provided to City Council throughout the process, including two (2) workshops with City Council. City Council and the Planning and Zoning Commission oversaw two (2) revisions made to the MTP in September 2021 at the request of developments, both of which have been incorporated into the final document. In addition, Childress Engineers provided a peer review of the final product, a benefit to the City due to their unique understanding of the community. The

end result is a better, more comprehensive planning document that will serve the City of Cleburne in the years ahead.

Nathan Chadwick with Kimley - Horn was present in person should the Council have any questions.

Childress Engineers provided a peer review and contributed to the final product.

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

Mayor Pro Tem Boedeker expressed appreciation for the mixed-use areas.

Councilman Weathers commented on the preparation for the coming growth.

Mayor Cain commented on staying ahead of the growth and maintaining the character of the community

**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>

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**DISCUSSION & UPDATES**

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**OC4.** Discuss and provide update on the American Rescue Plan (ARP)

Presented by: Rhonda Daugherty, Director of Finance

Discussion on the changes to the plan since last year and receiving direction from the council for use of the funds.

Cleburne will receive an allocation of approximately \$7.7M

- 50% of funds distributed by the State of Texas within 30 days of receipt
  - \$3,877,230.64 Payment Received in August 2021
  - 50% of funds distributed no sooner than 12 months later
- Funds must be obligated no later than December 31, 2024
- Funds must be fully distributed no later than December 31, 2026

Council’s recommendation was to maintain the funding allocation intent as previous adopted in RS10-2021-137.

Regular Session adjourned at 5:54 p.m. to convene in Executive Session

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**EXECUTIVE SESSION**

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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
- EXE4.** Discuss claims filed or to be filed regarding the incident occurring on November 11, 2021 involving a City of Cleburne ambulance unit

Mayor Cain reconvened into open session at 6:20 p.m. for formal action on item EXE2.

**MOTION: to authorize the city manager to execute temporary bridge agreement related to 14 East Chambers Street as discussed in executive session**

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		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>

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**ADJOURNMENT**

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**ADJOURNED AT: 6:20 P.M.**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: FEBRUARY 22, 2022**