



CITY COUNCIL REGULAR MEETING MINUTES

FEBRUARY 23, 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 @ 5:01 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
- ✓ Ashley Dierker, City Attorney
- X Ivy Peterson, City Secretary

II. INVOCATION by ~~Pastor Ryan Michels—Cleburne Community Church~~
Given by David Raybuck, IT Manager

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~

EXECUTIVE SESSION

§ 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.

EXE1. Consultation with Attorney – Seek legal advice regarding the allocation of sales tax in overlapping jurisdictions.

Executive Session called to order at 5:07 p.m. Adjourned at 5:43 p.m. No action was taken.

Regular meeting reconvened at 5:43 p.m.

V. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Annual Police Department Report On Racial Profiling Data For 2020
 Presented by Robert Severance – Police Chief

CONSENT AGENDA

MN1. CONSIDER MINUTES FOR THE FEBRUARY 9, 2021 REGULAR COUNCIL MEETING.

RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MARCH 9, 2021.

Presented by: Steve Polasek, City Manager

Summary: On March 13, 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 Declaration to the next regular council meeting date of March 9, 2021 at 11:59 p.m. central standard time.

OC1. CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF JANUARY 2021.

Presented by: Marcie Freelen, Assistant Finance Director

MOTION: to approve 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

RS2. AUTHORIZATION TO INCREASE THE AMOUNT AUTHORIZED FOR CHANGE ORDERS/CONTINGENCY TO THE MAXIMUM ALLOWABLE AMOUNT OF \$76,250 AND APPROVAL OF CHANGE ODER NUMBER 2 FOR COLLECTIONS AND PROCESSING IN THE AMOUNT OF \$44,658.02 FOR THE RAILROAD MUSEUM EXPANSION PROJECT WITH FAST GENERAL CONTRACTING LLC, FOR AN INCREASE IN THE AUTHORIZED CONTRACT AMOUNT TO \$381,250

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: Fast General Contracting LLC., awarded the Railroad Museum Expansion project in October 2020 with a base bid of \$305,000, and allocated an additional \$30,500 in change orders/contingency items. State Law allows 25% of the initial contract to be utilized for change orders/contingency. For this project that allows a total of \$76,250 in change orders/contingency items prior to requiring the contract to be rebid. To date there has been one change order approved; this increased the ceiling height to 10’ for guest experience areas. Change order number 2 is pending; it calls for the renovation of the collections and processing area. If change order 2 is approved, along with the maximum allowable change order/contingency, this would allow for \$23,091.98 available in future change orders/contingency items with Fast General Contracting LLC.

The proposed resolution authorizes the City Manager to approve the maximum allowable change order/contingency amount of \$76,250 and also approve change order number 2 (collections and processing area). Funds are available and budgeted for the maximum allowable change order/contingency amount of \$76,250.

MOTION: to approve

	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>

OR1. *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.30 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO MF (MULTIPLE-FAMILY HOUSING DISTRICT), LOCATED AT 1121 PRAIRIE AVENUE, AS REQUESTED BY MIKE AND RHONDA HARPER, CASE ZC21-001.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 0.30 acres from SF-4 (Single-Family Dwelling District) to MF (Multiple-Family Housing District) located at 1121 Prairie Avenue. It is the applicant’s intent to add a second residential dwelling to the subject property.

The Planning and Zoning Commission considered this request at their February 8, 2021 meeting and recommended denial by a vote of 6-0. The recommendation of denial requires a supermajority vote for approval by City Council.

Mike Harper was present and available for questions.

MOTION: to deny

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

OR2. *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING REQUEST FOR A SPECIAL EXCEPTION USE PERMIT FOR A REDUCTION OF THE REQUIRED PARKING SPACES PER SECTION 155.54 OF THE ZONING ORDINANCE, FOR 1845 SPARKS DRIVE; AS REQUESTED BY EDEN GREEN CLEBURNE REAL ESTATE, LLC, REPRESENTED BY RYAN COMPANIES US, INC, CASE GC21-001.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting a special exception use permit for a reduction of the required parking spaces for the construction of a second greenhouse building for Eden Green Technology located at 1845 Sparks Drive.

The applicant is proposing to construct a 78,500 square foot greenhouse building as Phase 2 of the overall development. Per Section 155.54, the parking ratio for a storage or warehouse building is either one (1) space per 1,000 square feet of floor area or one (1) space for each two (2) employees, whichever is greater. For this second greenhouse building, a total of 79 parking spaces is required, given that the total number of employees is proposed to be 30 employees.

The applicant has stated that the existing greenhouse (44,000 square feet) has 49 existing parking spaces on-site. The applicant is proposing to construct a total of 23 new parking spaces, for an overall total of 72 spaces. The applicant is requesting that the parking ratio for this development be considered at 1.5 spaces per employee. With an overall employee count for both buildings at 48 employees, this would result in the total number of required spaces to be 72 spaces as proposed.

The applicant contends the proposed 72 parking spaces will be adequate to serve the parking needs of the business and should not adversely impact the operation of the proposed business nor the surrounding properties.

Bill Hughes and Ben Carter were present and available for questions.

MOTION: to approve with the amendment that it only to remain in effect as long as the property is used for agricultural purposes.

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers		X	X					Approved as presented
Boedeker	X		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>

OR3. *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING ORDINANCE NO. OR03-2001-21 WHICH DESIGNATED A CERTAIN AREA AS TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, CITY OF CLEBURNE, TEXAS, (“TIRZ #1”) BY EXTENDING TIRZ #1 FOR AN ADDITIONAL FIVE YEARS; MAKING CERTAIN FINDINGS, AND OTHER MATTERS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Presented by: Chris Fuller, Deputy City Manager

Summary: The Tax Increment Reinvestment Zone No. 1 was established in March of 2001 for a duration of 20 years. The Tax Increment Reinvestment Zone No. 1 Board of Directors met on November 6, 2020, where they unanimously approved direction for staff to schedule discussions with the Commissioners Court and City Council regarding a time extension of the zone. The primary purpose of the time extension is to ensure completion the Sparks Drive Extension Project. On January 11, 2021, the Johnson County Commissioners Court unanimously voted to approve the funding and duration of the TIRZ #1 for an additional five (5) years with a new termination date of March 27, 2026. The primary purpose of this amendment is to provide funding capacity for the Sparks Drive Extension project.

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>

DISCUSSION & UPDATES

OC2. DISCUSS ALARM PERMIT AND FALSE ALARM MANAGEMENT PROGRAM.

Presented by: Police Chief Rob Severance and Records Supervisor Rhonda Dempsey
 Summary: Discuss how we can increase alarm permit compliance and reduce the overall expense.

EXECUTIVE SESSION

Executive Session #2 was convened at 6:55 PM

§ 551.087. Deliberation Regarding Economic Development Negotiations; Closed Meeting - This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

EXE. 2 Discuss request for economic development incentives related to mixed-used redevelopment project located at 201 E. Chambers.

Executive Session #2 was adjourned at 7:24 PM

MOTION: to authorize the City Manager to negotiate and execute a 380 agreement 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:
X	Motion Carried		Motion Failed					Roll Call

ADJOURNMENT

ADJOURNED AT: 7:26 P.M.

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MARCH 9, 2021