



CITY COUNCIL REGULAR MEETING MINUTES
MARCH 8, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:00 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 Rev Cooper Morelock - Church of the Holy Comforter

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

- CMPI.** Presentation – 2021 Achievement of Excellence in Libraries Award by the Texas Municipal Library Directors Association

The Achievement of Excellence award was presented to Tina Dunham, Library Director and department staff by Mayor Pro Tem Boedeker.

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be routine and self-explanatory by the Council and were enacted with one motion.

- MN1. CONSIDER MINUTES FOR THE FEBRUARY 22, 2022 REGULAR COUNCIL MEETING.**

- RS1. RS03-2022-29 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL MARCH 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 March 22, 2022 at 11:59 p.m. central standard time.

OR1. OR03-2022-22 CONSIDER AN ORDINANCE ACCEPTING CERTIFICATE OF UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND COUNCILMEMBER FOR SINGLE MEMBER DISTRICT ONE; DECLARING THE MAY 7, 2022 GENERAL ELECTION CANCELLED FOR THESE TWO SEATS AND DECLARING THE UNOPPOSED CANDIDATES ELECTED TO OFFICE.

Presented by: Ivy Peterson, City Secretary

Summary: On February 8, 2022, the City Council ordered the May 7, 2022 General Election to elect a Mayor at-large and Councilmembers for Single Member Districts One and Four. The period has expired for filing applications for place on the ballot including write-ins and the candidates for Mayor and Councilmember Single Member District One seats are unopposed. Section 2.053 of the Texas Election Code provides that upon receipt of Certification of Unopposed Candidates, the governing body shall declare each unopposed candidate elected to office and cancel the election for the respective seats.

Oaths of office are to be administered and certificates of election presented at the first regular meeting following May 7, 2022, the date, which the election would have been held, or at a meeting scheduled for such ceremonial matters.

OR2. OR03-2022-23 CONSIDER AN ORDINANCE AMENDING THE MAY 7, 2022 ORDER OF GENERAL ELECTION FOR THE PURPOSE OF AMENDING VOTING PRECINCTS AND ASSIGNING ELECTION DAY POLLING LOCATIONS.

Presented by: Ivy Peterson, City Secretary

Summary: Following the candidate period, the City will conduct an election in District 4, and on behalf of the Cleburne Independent School District (CISD), the City will administer the CISD’s election for Board of Trustees, Places 6 and 7 as per the Joint Election Agreement. The City Council officially ordered the May 7, 2022 election at their meeting on February 8th, that included the designation of 4 election day polling locations.

For the efficient administration of the City’s and CISD’s joint election, and as authorized by Texas Election Code Section 42.061, this Ordinance would establish and assign election districts (i.e. precincts) and amend election day polling locations by combining District 1: Cleburne ISD Administration, 505 North Ridgeway Drive, and District 3: Cooke Elementary School, 902 Phillips Avenue into one district. In accordance with the City Charter, Section 3.3:

Manner of Holding Elections, it provides "...the City Council shall have full power and authority to pass such ordinances as it shall deem expedient for conducting elections."

The Joint Election Agreement with CISD also includes election day polling places and should Council approve this ordinance, the amendment to the Agreement will be considered by the CISD Board of Trustees at their next meeting on March 21, 2022. The proposed Ordinance has been reviewed by legal counsel and meets all applicable local and state laws.

RS2. RS03-2022-30 CONSIDER A RESOLUTION AUTHORIZING A CONTRACT RENEWAL WITH REPUBLIC SERVICES FOR SLUDGE TRANSPORTATION AND DISPOSAL TO A PERMITTED SOLID WASTE LANDFILL.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In 2018, the City solicited for annual sludge transportation and disposal services for the Wastewater Treatment Plant for an initial twenty-four (24) month term with three (3) additional one-year options to renew. A contract with Republic Services was approved by Resolution #RS11-2018-96.

This 2022 renewal will allow the services to continue for the 4th year of a possible 5-year total contract term. Republic Services has historically performed all services in compliance with the contract. The proposed renewal will include a 3% increase per ton, increasing the current price of \$45.20 to \$47.00 per ton. This has been requested by Republic Services to cover cost increases that they have experienced. This price increase request has been reviewed by Finance and has been determined to be reasonable and acceptable.

RS3. RS03-2022-31 CONSIDER A RESOLUTION ACCEPTING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE'S SEMI-ANNUAL REPORT, YEAR-END 2021, AS TO THE PROGRESS OF THE CAPITAL IMPROVEMENT PLAN OF THE CITY OF CLEBURNE'S WATER, WASTEWATER, AND ROADWAY IMPACT FEE ORDINANCE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Pursuant to Chapter 395 of the Texas Local Government Code, the City of Cleburne Capital Improvements Advisory Committee (CIAC) is required to file semi-annual reports to the City Council on the administration of the city's impact fee program.

Staff provided the semi-annual presentation of revenues and expenditures for water, wastewater, and roadway impact fees to the CIAC on February 28, 2022. The CIAC's recommendation on the City of Cleburne's water, wastewater, and roadway impact fee program is to continue forward with no changes at this time, and is included in their report to the City Council.

OR3. OR03-2022-24 CONSIDER AN ORDINANCE AMENDING THE FISCAL YEAR 2022 4B ECONOMIC DEVELOPMENT CORPORATION BUDGET IN THE AMOUNT OF \$82,000 FOR COSTS ASSOCIATED WITH THE ADDITION OF A PROJECT MANAGER POSITION.

Presented by: Rhonda Daugherty, Director of Finance

Summary: In anticipation of the upcoming Parks & Recreation Master Plan improvements, the Parks & Recreation Department is requesting the addition of a Project Manager position to coordinate the construction activities of the Parks & Recreation Master Plan projects.

Estimated Costs – Project Manager - FY 2022 addition	
Project Manager salary & benefits	\$64,000
Construction/renovation of office space	\$12,000
Office Supplies (including IT related items)	\$6,000

The annual compensation and benefits for the proposed Project Manager, Grade 28, is estimated to be \$110,500. The prorated portion for Fiscal Year 2022 is estimated at \$64,000, assuming a hire date of mid-March, 2022. The remaining requested funds will be allocated to renovating office space at the Parks & Recreation Administration building located at 418 W. Henderson Street, and the necessary computer, phone and office supplies.

The proposed additions to the 4B appropriations will be funded from 4B fund balance reserves, increased total adopted expenditures from \$3,946,457 to \$4,028,457. This amendment was considered and approved by the 4B Economic Development Corporation Board at a special meeting held March 3, 2022.

OC1. CONSIDER APPROVING ACCOUNTS PAYABLE FOR THE MONTHS OF DECEMBER 2021 AND JANUARY 2022.

Presented by: Rhonda Daugherty, Director of Finance

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

DISCUSSION & UPDATES

OC4. PRESENTATION TO THE CITY COUNCIL REGARDING THE POSSIBLE INTENT FOR ISSUANCE AND SALE OF CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2022

Presented by: Aaron Dobson, Director of Community Services and Rhonda Daugherty, Director of Finance

Mr. Dobson presented the projects included in Phase 1 and Phase 2 and projected opening dates of Fall of 2023 for certain parks thru Summer of 2025 for the more complex projects.

Mr. Jim Sabonis, financial advisor with Hilltop Securities spoke on the financing for the park improvements. Mr. Sabonis spoke on the historical sales tax revenue from 2015 to current, as well as the preliminary cash flow. Mr. Sabonis showed the proposed schedule of events as well as municipal market updates.

This item was informational and no formal action was taken.

ACTION AGENDA

OR4. OR03-2022-25 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.51 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR A DUPLEX RESIDENTIAL DEVELOPMENT, LOCATED AT 216 CLEVELAND STREET, AS REQUESTED BY MIRGON ENTERPRISES, REPRESENTED BY MARTHA MIRANDA, CASE ZC22-004.

Presented by: David Jones, Director of Community Development

Summary: The applicant has requested to rezone approximately 0.51 acres from SF-4 (Single-Family Dwelling District) to PD (Planned Development District) for two (2) duplexes, each to be located on its own lot, on property located at 216 Cleveland Street. The applicant is requesting a base zoning of D (Duplex or Two-Family Dwelling District) with a deviation from the required building setbacks and the inclusion of architectural design standards and landscaping for the proposed development. The Planning and Zoning Commission considered this request at their February 28, 2022 meeting and recommended approval with a vote of 4-3.

Mayor Pro Tem Boedeker opened the public hearing. There were no speakers and the public hearing was closed.

Proponent Martha Miranda was available in person should the council have questions.

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

OR5. OR03-2022-26 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±31.43 ACRES FROM IH (INTERIM HOLDING DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH NOLAN RIVER ROAD, WEST OF BROWNING LANE AND

EMERSON DRIVE, AS REQUESTED BY M. SHARP FAMILY LP, REPRESENTED BY CORY MURRAY, CASE ZC21-032.

Presented by: David Jones, Director of Community Development

Summary: The applicant has requested to rezone approximately 32 acres from IH (Interim Holding District) to PD (Planned Development District) for a single-family residential development, generally located on the east side of S. Nolan River Road and west of Browning Lane and Emerson Drive.

The Planned Development (PD) allows for a residential subdivision consisting of 76 single-family lots and four (4) open space lots. The applicant is requesting a base zoning of SF-4 (Single-Family Dwelling District) with a deviation from required side and rear yard building setbacks. The applicant is proposing the inclusion of architectural design standards, residential landscaping and subdivision features including signage and perimeter fencing. The applicant is also proposing a retention pond, fountain and walking trail within the open space lots.

The Planning and Zoning Commission considered this request at their February 28, 2022 meeting and recommended approval with a vote of 7-0 with the following conditions:

- i. All homes backing up to existing homes be single-story;
- ii. The proposed fence running along S. Nolan River Road be constructed of brick with stone columns;
- iii. The proposed retention pond must maintain a constant water level year-round;
- iv. Full irrigation of all single-family lots;
- v. Cementitious siding or similar material to be used on the second story;
- vi. The proposed playground to be included as a park amenity; and
- vii. A minimum 15-foot rear yard setback.

Mayor Pro Tem Boedeker opened the public hearing. There were no speakers and the public hearing was closed.

MOTION: to approve as presented including the conditions from Planning and Zoning, with the exception of Item #2

	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	Motion Carried		Motion Failed				Roll Call

RS4. RS03-2022-32 CONSIDER A RESOLUTION AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF INDUSTRIAL BOULEVARD FROM THE CHISHOLM TRAIL PARKWAY TO SH171.

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne has worked with the North Central Texas Council of Governments on funding assistance for improvements to Industrial Boulevard near the Chisholm Trail Parkway. On January 27, 2022, the Texas Transportation Commission approved the use of surplus toll revenue funds for a list of projects recommended by the Regional Transportation Council, including the Industrial Boulevard Project.

The Texas Department of Transportation (TXDOT), through an Advance Funding Agreement (AFA), administers the funds. The AFA outlines the cost share for the project, which is an 80/20 split, with the City responsible for 20% of the total project costs plus any overruns. The City will manage the project. The State will pay the City \$120,000 for its share of engineering design fees within 30 days of signing the AFA. The State will pay \$1,200,000 to the City for construction costs in fiscal year 2023. Any funds not spent on the project must be returned to the State. All funds must be returned if the project is not completed within 10 years.

The Project will include rebuilding and widening the existing narrow roadway to a full 2-lane section, with wider lanes to accommodate the heavy truck traffic on the roadway. Turn lanes at the intersections will also be included, where needed. Upon execution of the Agreement, staff will begin the process of hiring a consultant for design of the project. Construction of the roadway will occur in 2023.

The City’s local match is \$30,000 for engineering costs, and \$300,000 for construction costs. While executing the AFA commits the City to the project, and the total cost of \$330,000, no funding is being allocated at this time. Funding for the design phase was included in the General Fund – Public Works Budget for Fiscal Year 2022 and will be allocated with approval of a design contract. The City’s share for construction costs will be included for consideration in the FY23 budget and allocated with approval of the future construction contract.

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>

OR6. 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 and February 8, 2022. 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 April 12, 2022 for final adoption. No action is being requested at this meeting.

Freese and Nichols project manager, Daniel Harrison presented the update.

Mayor Pro Tem Boedeker continued/opened the public hearing. Members of the public who registered to speak with the City Secretary were invited to come forward. There were no speakers and the public hearing will be continued at the April 12, 2022 Council Meeting.

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.

DISCUSSION & UPDATES

OC2. DISCUSS THE NAMING OF CLEBURNE CONFERENCE CENTER THEATER

Presented by: Mayor Scott Cain

With the Mayor's absence, this item will be deferred to the next meeting.

OC3. DISCUSS KIRTLEY PARK BOAT RAMP

Presented by: Aaron Dobson, Director of Parks & Recreation

Mr. Dobson explained that on February 25th staff held an onsite inspection with Childress Engineers to review the status of the boat ramp. On February 28th, the engineer's assessment was the bridge suffered a base failure and recommends the City declare an emergency to prevent loss of the entire boat ramp. On March 1st the City Manager declared this an emergency repair and authorized Lyness Construction LP to restore the boat ramp. Lyness Construction began work on March 2nd with a predicted re-opening to be on March 14th.

Mayor Pro Tem stated he appreciated all the work staff put into saving the boat ramp.

Mayor Pro Tem Boedeker recessed the Regular Council Meeting at 6:09 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

Mayor Pro Tem Boedeker reconvened into open session at 6:49 PM and no formal action was taken resulting from items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:49 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MARCH 22, 2022