



**CITY COUNCIL REGULAR MEETING MINUTES**  
**MARCH 23, 2021 @ 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 council, city staff, and 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 PRO TEM @ 5:03 PM**  
Mayor Cain arrived at 5:10 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
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Pastor Jerry Cox, Crossroads Church

**III. PLEDGE OF ALLEGIANCE**

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

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

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**CONSENT AGENDA**

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

**RS1. CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL APRIL 13, 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 23, 2021 at 11:59 p.m. central standard time.

**RS2. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: Municipal Maintenance Agreements (MMA) are standard agreements between the Texas Department of Transportation (TxDOT) and municipalities to cover the maintenance and upkeep of certain state highways that reside within the corporate boundaries of the municipality. TxDOT is in the process of consolidating and streamlining the MMA process, and has asked to City to re-approve our MMA which was originally approved in 1968. This proposed MMA will better define the roles and responsibilities of TxDOT and the City to ensure proper maintenance of State Highways.

**RS3. CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH THE LAW OFFICE OF ROBERT WARD LOCATED AT 15 NORTH MAIN STREET UNDER THE TERMS OF THE FAÇADE IMPROVEMENT INCENTIVE PROGRAM.**

Presented by: Grady Eason, Economic Development Manager

Summary: Mr. Ward has submitted an application under the terms of the City's Façade Improvement Incentive program seeking funding for upgrades and enhancements to exterior street-facing facades on his property located at 15 North Main Street. Repairs and upgrades include installation of a new front entry door, installation of new exterior lighting, and painting the exterior facade. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of the improvements on this project is estimated at \$10,041.44; therefore \$5,000.00 would be the maximum match by the City. Should this request be approved, there will be \$9,398.00 in remaining funds for other such projects for FY 2021.

**RS4. CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF SOUTHLAKE, TEXAS FOR COOPERATIVE PURCHASING.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: The City of Cleburne and the City of Southlake desire to cooperate on select governmental purchases in order to enjoy greater economy of scale and thereby reduce prices for certain commodities and services used by both governmental entities. The City of Cleburne and the City of Southlake will engage in the purchase of items and services that are used by both entities and as jointly agreed upon by the purchasing officers of both entities. As a general rule, the governmental entity that used the most of a particular commodity or service will be the lead agent in making a joint purchase. Each entity will be responsible for payment of its portion of the proportionate purchase costs directly to the vendor.

**RS5. CONSIDER A RESOLUTION AUTHORIZING THE CHANGE OF AUTHORIZED REPRESENTATIVES FOR TEXAS LOCAL GOVERNMENT INVESTMENT POOL (TEXPOOL).**

Presented by: Rhonda Daugherty, Director of Finance

Summary: The purpose of this item is to add Rhonda Daugherty, Director of Finance as an authorized representative to invest funds for the City of Cleburne with TexPool. The City utilizes TexPool for investment of funds and TexPool requires formal action by City Council to make changes to authorized representatives.

**OR1. CONSIDER AN ORDINANCE RESCINDING A BID AWARDED ON JANUARY 26, 2021 FOR REAL PROPERTY LOCATED ON SOUTH BRAZOS AVENUE ACQUIRED AT A DELINQUENT TAX SALE.**

Presented by: Ivy Peterson, City Secretary

Summary: Bids for this and other resale properties were advertised, received, and opened on December 4, 2020. They were evaluated by the City’s tax attorney Perdue, Fielder, Collins and Mott, LLP and City Staff and awarded by City Council to the highest bidder on January 26, 2021 by OR01-2021-04. Garza Group Custom Home & Real Estate Developers, LLC was awarded the bid for the property located on South Brazos Avenue, CAD#126.0171.00585. It was discovered by the buyer’s surveyor that the CAD (Central Appraisal District) information on the size of the lot was incorrect as was presented at the time of Constable’s Tax Auction and subsequent resale. The lot also includes an easement and is undevelopable by size according to the conditions of the resale. Staff therefore recommends rescinding the award and removing this property from the resale. Our tax attorneys will then handle the procedure to have the information corrected as to the CAD record.

**OC1. CONSIDER APPROVING ACCOUNTS PAYABLE FOR THE MONTH OF FEBRUARY 2021.**

Presented by: Rhonda Daugherty, Director of Finance

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

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**ACTION AGENDA**

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**RS6. CONSIDER A RESOLUTION OF THE CITY COUNCIL VOICING OPPOSITION TO EFFORTS BY THE TEXAS LEGISLATURE TO SILENCE LOCAL**

**GOVERNMENT OFFICIALS AND REDUCE LOCAL CONTROL.**

Presented by: Steve Polasek, City Manager

Summary: This item is placed on the agenda at the request of Mayor Scott Cain. The proposed resolution addresses action taken at the State level to pass legislation that would continue to erode local control and significantly hinder the ability of local governments (cities, counties and school districts) to communicate with State legislators. Mayor Cain will present this item.

**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		Denied
Warren		X	X					Withdrawn
Cain	X		X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

**RS7. CONSIDER A RESOLUTION ACCEPTING THE ANNUAL AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2020.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Section 8.12 of the City of Cleburne Charter states that an independent firm of certified public accountants will perform the annual audit and present the results to the City Council. On Friday, March 5, 2021, the Audit Committee met with John Manning, the audit engagement partner with the City’s audit firm, Pattillo, Brown and Hill LLP, to review the results of the annual audit for Fiscal Year ended September 30, 2020 and the Statement on Auditing Standards 114 audit management letter. The City received an unmodified opinion (Independent Auditor’s Report), which is the most favorable audit opinion an entity can receive. John Manning of Pattillo, Brown and Hill LLP, will be present to give a brief presentation regarding the annual audit. The Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2020 is an exhibit to the staff report. A public copy of the CAFR is also available for review in the Finance Department, City Secretary’s Office and Library. The CAFR will also be available on the City’s website after acceptance by City Council.

John Manning with Patillo, Brown, and Hill, LLP was here on Zoom presenting.

**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>

Mayor Cain arrived at 5:10 pm and deferred to Mayor ProTem to continue leading the meeting.

Councilman Mike Mann arrived at 5:37 pm

**OR2. \*PUBLIC HEARING\*** CONSIDER AN ORDINANCE REZONING ±5.3 ACRES FROM C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED AT 1610 NORTH MAIN STREET, AS REQUESTED BY 1600 ENTERPRISES, LTD; REPRESENTED BY VLK ARCHITECTS, CASE ZC20-029.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 5.3 acres from C3 (Commercial District) to PD (Planned Development District) for future residential and commercial development. The property is located at 1610 North Main Street and it is the applicant’s intent to renovate and add onto the existing six-story building (former hospital) into an approximately 104,000 square foot 55+ multi-family housing development that will contain up to 70 units. Additionally, the applicant is proposing to construct a 9,000 square foot commercial strip center, a 3,200 square foot drive-thru restaurant and a 9,500 square foot self-storage facility on the property.

Tom Crew with 1600 Enterprises, Ltd and Michael Antenora, FLK Architects were present for questions.

**MOTION:** to approve as presented with three caveats. #1 With regard to indoor amenities substitute ‘may’ for mandatory. #2 With the five conditions as set forth by the Planning and Zoning Commission. #3 With regards to building ‘A’, to allow all commercial uses except those prohibited and outlined on slide ‘E’ as recommended by the Planning and Zoning Commission.

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

**OR3. CONSIDER AN ORDINANCE GRANTING TEMPORARY USE OF HULEN PARK LOCATED AT 900 SOUTH HILLSBORO STREET FOR A CARNIVAL DURING “SPRING FEST” FROM APRIL 14, 2021 THRU APRIL 18, 2021, AS REQUESTED BY CLEBURNE PERFORMING ARTS, LLC; REPRESENTED BY MAXINE AMMONS, CASE GC21-003.**

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting Temporary Use of Hulen Park described under §155.58: Temporary Uses and restrictions set by the Parks Board. The Carnival will begin setting up on; Saturday, April 10, 2021 and will complete clean up on Monday, April 19, 2021. Spring Fest will be

held from Thursday, April 15, 2021 through Sunday, April 18, 2021. The hours of operation will be 10 am to 10 pm.

Restrooms are functional however, portable restrooms will be provided.

Maxine Ammons the petitioner is present for questions.

**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>

**OR4. CONSIDER AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR OCTOBER 1, 2020 TO SEPTEMBER 30, 2021 (#7) BY APPROPRIATING \$62,096.60 FROM FUND BALANCE RESERVES IN THE 4B ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR VARIOUS PROJECTS.**

Presented by: Rhonda Daugherty, Director of Finance

Summary: Amending the budget to fund expenditures for the Spirit of Cleburne iron panel fence, Sports Complex weather system, Splash Station weather system, Splash Station dining chairs and tables, and Booker T. Washington Recreation Center dumbbells and dumbbell rack as recommended by the 4B Board.

**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>

**OC2. CONSIDER AUTHORIZING EXPENDITURES FOR 4B PROJECTS FOR A TOTAL AMOUNT NOT TO EXCEED \$62,096.60; AS RECOMMENDED BY THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.**

Presented by: Aaron Dobson, Director of Parks and Recreation

Summary: Authorizing expenditures for the Spirit of Cleburne iron panel fence, Sports Complex weather system, Splash Station weather system, Splash Station dining chairs and tables, and Booker T. Washington Recreation Center dumbbells and dumbbell rack as recommended by the 4B Board.

**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					Denied
Warren		X	X					Withdrawn
Cain	X		X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

**RS8. CONSIDER A RESOLUTION AUTHORIZING AN AMENDED ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE WITH SALDENA PROPERTIES LP FOR CONSTRUCTION OF A MULTI-FUNCTION TRAVEL CENTER TO BE LOCATED AT 2825 NORTH NOLAN RIVER ROAD.**

Presented by: Grady Easdon, Economic Development Manager

Summary: Saldena Properties, L.P., a subsidiary of Victron Energy, has contracted to acquire a portion of the property at 2825 N. Nolan River Rd., adjacent to Zimmerer Kubota, and intends to construct a large-format travel center of at least 9,000 square feet.

One of the performance measures in the current agreement states that a building permit must be issued within 180 days of execution of the agreement, which would be April 5, 2021. Mr. Mohamed Sharaf, representing the Company, has stated that he has encountered unforeseen delays in getting architectural plans finalized due to the addition of Einstein Bros. Bagels to the project, as well as unexpected delays by TxDOT.

Therefore, Mr. Sharaf has requested that the agreement be amended with a deadline for securing a building permit within 60 days of execution of the amended agreement, or not later than May 25, 2021.

Muhammad Sharaf is here for questions and spoke in support of the request.

**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					Withdrawn
Cain	X		X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>



**RS9. CONSIDER A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE PUBLIC WORKS ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM TO PROVIDE POTENTIAL FINANCIAL ASSISTANCE TOWARD THE SPARKS DRIVE CONNECTION PROJECT; AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT SAID GRANT AND ENTER INTO AN AGREEMENT WITH THE EDA UPON AWARD.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The U.S. Economic Development Administration (“EDA”) solicits applications from applicants in order to provide investments that support construction, non-construction, planning, technical assistance, and revolving loan fund projects under EDA’s Public Works program and EAA program. The City has identified the Sparks Drive Connection Project as a candidate for EDA grant funding

The Sparks Drive Connection Project is currently partially funded through the Tax Increment Financing (TIF) District #1. If the grant is awarded at the requested amount, \$1,400,000 of federal funds could be made available to the project allowing the project to be fully funded.

The estimated construction cost of the project is \$2,664,860, and the City is requesting a grant funding level of \$1,400,000 resulting in City obligation of \$1,264,860 plus any overages.

**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>

**EXECUTIVE SESSION CONVENE @ 6:35 PM AND ADJOURN AT 7:27 PM**

**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. Seek legal advice regarding the allocation of sales tax in overlapping jurisdictions.

**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:



EXE2. Discussion and update of the purchase of easements needed for the construction and maintenance of the West Loop Reuse Pipeline. – Jeremy Hutt, Director of Public Works.

**MOTION: motion to approve as presented in Executive Session**

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

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**ADJOURNMENT**

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**ADJOURNED AT: 7:29 PM**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: April 13, 2021**