



**CITY COUNCIL REGULAR MEETING MINUTES**  
**APRIL 25, 2023 @ 5:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:00 PM**

**City Council:**

- ✓ Scott Cain, Mayor
- ✓ Derek Weathers, SMD 1
- ✓ Mike Mann, Mayor Pro Tem/SMD 3
- ✓ John Warren, SMD 4

**Administration:**

- ✓ Steve Polasek, City Manager
- ✓ Ashley Dierker, City Attorney
- ✓ Ivy Peterson, City Secretary

**II. INVOCATION** by Reverend Gene Jones, The Refuge Church

**III. PLEDGE OF ALLEGIANCE**

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

**CMP1. PRESENTATION** – Quarterly Economic Development Update, Grady Eason, Economic Development Manager

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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 were enacted with one motion.

**MN1. CONSIDER MINUTES FOR THE APRIL 11, 2023 REGULAR COUNCIL MEETING.**

**RS1. RS04-2023-50 CONSIDER A RESOLUTION AUTHORIZING THE USE OF NOT MORE THAN \$1,000 FROM THE NON-DEPARTMENTAL OVERTIME ACCOUNT TO PROVIDE OFF-DUTY POLICE OFFICERS FOR SECURITY AT THE CINCO DE MAYO CELEBRATION.**

Presented by: Linn Goodman, Assistant Chief of Police

Summary: The 2023 Cinco de Mayo Celebration will occur on Sunday, May 7, 2023 at the Cleburne Conference Center. The Police Department has been requested to provide on-site security for a total of 12 hours over the course of the event. Officers will be required to work this event as an overtime assignment. The exact cost for the hours cannot be determined until officers have signed up or are assigned to work the event due different pay rates. This authorization provides funds to pay the overtime rate for the highest non-exempt members of the department. Officers working this event will likely be in a lower pay rate than this authorization provides. Funds have been budgeted in a non-departmental special events account.

**RS2. RS04-2023-51            CONSIDER A RESOLUTION AUTHORIZING THE USE OF NOT MORE THAN \$1,700 FROM THE NON-DEPARTMENTAL OVERTIME ACCOUNT TO PROVIDE OFF-DUTY POLICE OFFICERS FOR SECURITY AT THE CLEBURNE SHAKESPEARE IN THE PARK EVENT.**

Presented by: Linn Goodman, Assistant Chief of Police

Summary: Shakespeare in the Park will occur on Friday, June 2, and Saturday, June 3, 2023. The Police Department has been requested to provide on-site security for a total of 21 hours over the course of the event. Officers will be required to work this event as an overtime assignment. The exact cost for the hours cannot be determined until officers have signed up or are assigned to work the event due different pay rates. This authorization provides funds to pay the overtime rate for the highest non-exempt members of the department. Officers working this event will likely be in a lower pay rate than this authorization provides. Funds have been budgeted in a non-departmental special events account.

**RS3. RS04-2023-52            CONSIDER A RESOLUTION APPROVING A RENEWAL AGREEMENT WITH JOHNSON COUNTY FOR THE MAINTENANCE AND OPERATION OF MARKET SQUARE, LOCATED AT 302 SOUTH MAIN STREET.**

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: In March 2013, the City of Cleburne and Johnson County authorized the City Manager to negotiate an agreement for the City to operate and maintain Market Square, located at 302 South Main Street. The term of that agreement was for a period of ten (10) years with the option to renew the agreement by mutual agreement of both parties for an additional ten (10) year term. Johnson County Commissioners met on April 10, 2023, and authorized the County to proceed with the agreement renewal.

**RS4. RS04-2023-53            CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF BLACKBIRD MEADOWS, FOR 12 RESIDENTIAL LOTS, BEING ±58.415 ACRES IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF CLEBURNE, GENERALLY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 904 AND APPROXIMATELY 1,100 FEET EAST OF COUNTY ROAD 1017, CASE PC22-082.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Perklynn Construction, LLC, is requesting approval of the final plat for Blackbird Meadows, which consists of 12 residential lots, generally located on the north side of County Road 904 and approximately 1,100 feet east of County Road 1017, within the City's Extraterritorial Jurisdiction (ETJ). The final plat meets all the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at its April 10, 2023 meeting and recommended approval with a vote of 7-0.

**RS5. RS04-2023-54 CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC FOR WATER, WASTEWATER, AND ROADWAY IMPACT FEE UPDATE PROJECT IN THE NOT TO EXCEED AMOUNT OF \$61,012.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: This is to consider approving a professional services agreement with Freese and Nichols, Inc. to update the related water, wastewater, and roadway impact fee analysis and related fee collection schedules in an amount not to exceed \$61,012. Chapter 395 of the Texas Local Governments Code provides the statutory authority for municipalities to collect water, wastewater, and roadway impact fees to pay for the expansion of major public facilities, due to additional demands on these systems generated by new development.

Freese and Nichols, Inc. prepared the original Final Land Use Assumptions and Capital Improvements Plan Report for Water, Wastewater, and Roadway Impact Fee Study in 2018 and the City of Cleburne began collecting roadway and water impact fees in 2018.

Texas law requires communities that collect impact fees to periodically update the related water, wastewater, and roadway impact fee analysis and recalculate the applicable fee schedules. This update process is required to take place every five years. Staff is recommending Freese and Nichols, Inc. be retained to perform the analysis associated with the update due to their experience and familiarity with the City Cleburne. This project is expected to take 12 months to complete. Funding for this project is available from collected water, wastewater, and roadway impact fee funds and was identified and allocated in the FY23 Capital Project Plan.

**OC1. CONSIDER CONFIRMING THE APPOINTMENT OF LYNNLEY DRAIN TO THE CLEBURNE POLICE RESERVE FORCE IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE AND CITY OF CLEBURNE'S CODE OF ORDINANCES.**

Presented by: Rob Severance, Chief of Police

Summary: Chief Severance is requesting Council confirm the appointment of Officer Lynnley Drain to the Cleburne Police Reserve Force, thereby permitting her to carry a weapon and act as a peace officer at all times, in accordance with Texas Local Government Code § 341.012 and City of Cleburne, Texas Code of Ordinances § 33.03. Officer Drain has announced her intent to resign from her full-time position with the Cleburne Police Department, effective April 24, 2023, with 5 years of service. Lynnley holds a Texas Intermediate Peace Officer certification.

**OC2. CONSIDER ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF MARCH 2023.**

Presented by: Rhonda Daugherty, CFO/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
Mann			X					Approved as amended
Warren		X	X					Denied
Cain			X					Withdrawn
								Postponed until:
<b>X</b>	<b>Motion Carried</b>		<b>Motion Failed</b>					<b>Roll Call</b>

**ACTION AGENDA**

**RS6. RS04-2023-55 CONSIDER A RESOLUTION PROVIDING CONSENT OF CLEBURNE BASEBALL, LLC’S NAMING RIGHTS PURCHASER, LOGO DESIGN, AND ASSOCIATED SIGNAGE TO BE DISPLAYED ON THE STADIUM PER ARTICLE IV OF THE STADIUM LEASE AGREEMENT BETWEEN CLEBURNE BASEBALL, LLC AND THE CITY OF CLEBURNE.**

Presented by: Steve Polasek, City Manager

Summary: The City of Cleburne (Landlord) entered into a stadium lease agreement on October 24, 2018, with Cleburne Baseball, LLC, for their use of “The Depot” stadium. As a part of the agreement (Article IV, Sec. 4.2), Cleburne Baseball (Tenant) has the ability to select one or more commercial sponsors for which the facility will be named, provided that:

- The Trade Name shall be the purchaser’s name or the name of a product or service of the purchaser;
- The Trade Name shall include “The Depot” and shall not include any reference to any proper geographic name other than the City of Cleburne;
- Tenant’s selection of such Naming Rights Purchaser shall be subject to the prior written consent of the Landlord, not to be unreasonably delayed or withheld;
- Any agreement between Tenant and a Naming Rights Purchaser shall provide that it shall automatically terminate on the earlier of the expiration or termination of this Lease;
- Tenant shall design a logo, subject to Landlord’s prior written consent, not to be unreasonably withheld or delayed, that includes the Trade Name and shall use such logo on its letterhead, on all signage and on its website. The font style and size of all the words in the Trade Name other than “The Depot” shall be reasonably proportional to the words “The Depot” in the Trade Name unless otherwise approved by Landlord in writing.

Cleburne Baseball, LLC, has recently reached a tentative agreement and is finalizing negotiations with a naming rights sponsor for the stadium. As such, they are seeking Council approval of the Naming Rights Purchaser and the logo/signage to be displayed on the stadium. Their intent is to gain such approvals in a timely fashion that would permit the new signage to be installed prior to the start of the 2023 season which begins on May 23.

The signage proposed would read “La Moderna Field”. The sign structures would be aluminum box with acrylic front, black and yellow in color, backlit with LED lighting, and

would be placed at three locations on the external portion of the building (see attached exhibits). It should be noted, the proposal does include the removal of The Depot sign at the front of the building. If approved, The Depot sign would be boxed and stored for potential re-use in the future. The cost to place the signage, and remove and store The Depot sign would be borne by Cleburne Baseball, LLC.

The proposed signage has been reviewed by the Planning Department and meets the City’s current sign ordinance. Additional signage would also be displayed at various locations within the interior of the stadium not subject to Council consideration or Planning Department review.

Mr. John Junker, of Cleburne Baseball, LLC was available should the Council have questions.

**MOTION: to approve as presented**

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

**OR1. OR04-2023-25 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±0.2 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) AND SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-7 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 923 NORTH ANGLIN STREET, CASE ZC23-020.**

Presented by: David Jones, Community Development Director

Summary: The property owner, Deanna Martin, has requested to rezone approximately 0.20 acres from RC (Regional Commercial District) and SF-7 (Single-Family Dwelling District) to SF-7 (Single-Family Dwelling District) for the property located at 923 N. Anglin Street. The property owner intends to rezone the property to an appropriate residential zoning district classification in order to sell the existing single-family residence.

Rezoning the subject property to a residential zoning district classification will allow the existing structure to be rebuilt if there is a total destruction (damaged or destroyed more than 50% of its total appraised value) as a single-family residence in conformance with the regulations of the SF-7 (Single-Family Dwelling District), as outlined in Section 155.3.07.G of the Zoning Ordinance. The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended approval by a vote of 7-0.

Ms. Deanna Martin was available should the Council have questions.

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

**MOTION: to approve as presented**

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

**OR2. OR04-2023-26 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±1.00 ACRE FROM MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) TO SF-7 (SINGLE-FAMILY DWELLING DISTRICT) FOR THE PURPOSE OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AT 106 LANE AVENUE, CASE ZC23-007.**

Presented by: David Jones, Community Development Director

Summary: The property owner, Derek George, has requested to rezone approximately one acre from MF-2 (High-Density Residential District) to SF-7 (Single-Family Dwelling District) for the property located at 106 Lane Avenue. The property owner intends to rezone the property for future single-family development. The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended approval by a vote of 7-0.

Mr. Derek George was available should the Council have questions.

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

**MOTION: to approve as presented**

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

**OR3. OR04-2023-27 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE APPROVING A SPECIFIC USE PERMIT FOR HEAVY LOAD VEHICLE PARKING ON ±57.33 ACRES ZONED I (INDUSTRIAL DISTRICT) GENERALLY LOCATED NORTH OF SPARKS DRIVE, BETWEEN WINDMILL ROAD AND CHISHOLM TRAIL PARKWAY, IMMEDIATELY EAST OF, AND TO BE UTILIZED BY THE WALMART DISTRIBUTION CENTER LOCATED AT 3470 WINDMILL ROAD, CASE ZC23-012.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Kimley-Horn, represented by Sarah Bacon, has submitted a request for a Specific Use Permit (SUP) to park heavy load vehicles. Approval of the request would allow additional trailer parking at the Walmart Distribution Center. The proposed parking lot will be used for the storage and parking of truck trailers and the development will include a detention pond. The applicant has provided a letter of intent and a site plan detailing the proposed use. The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended approval by a vote of 7-0.

Mr. David Upton, petitioner of this request, was available should the Council have questions.

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

There was discussion and some concerns regarding the parking lot’s gravel surface and whether the SUP would run with the land if the future use was not the current certificate of occupancy holder.

**MOTION: to approve as presented with the condition the SUP be tied to the certificate of occupancy granted to the Walmart Distribution Center**

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

**OR4. OR04-2023-28 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±26.36 ACRES FROM I (INDUSTRIAL DISTRICT) TO CI (COMMERCIAL/ INDUSTRIAL FLEX DISTRICT), WITH A SPECIFIC USE PERMIT FOR HEAVY LOAD VEHICLES PARKING ON A ±4.55 ACRE PORTION OF THE PROPERTY TO BE REZONED, SAID PARKING TO BE UTILIZED BY RV DEPOT LOCATED AT 4319 NORTH MAIN STREET, CASE ZC23-014.**

Presented by: David Jones, Community Development Director

Summary: The property owner, RV Depot, represented by Steve Greig, has submitted a request to rezone approximately 26.36 acres for the property at 4319 N. Main Street to the CI (Commercial/Industrial Flex District) with a Specific Use Permit (SUP) to park recreational vehicles (RVs) on a 4.55-acre portion of the northwest corner of the property. Approval of the request would allow additional RV parking along Indian Hills Road for RV Depot. The applicant has provided a letter of intent and a site plan detailing the proposed use. RVs would only be parked or stored for future sale, and no RVs would be occupied or used as residences.

The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended approval by a vote of 7-0 for the rezoning request with the SUP as presented with the following condition:

- i. Preserve a 10-foot landscape buffer with existing trees along Indian Hills Road

Ms. Theresa Greig was available should the Council have questions.

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

**MOTION: to approve as presented with the condition to preserve a 10-foot landscape buffer with existing trees along Indian Hills Road as recommended by the Planning and Zoning Commission**

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

**OR5. OR04-2023-29 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±15.23 ACRES FROM I (INDUSTRIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), WITHIN THE F, FREEWAY OVERLAY, FOR AN INDUSTRIAL DEVELOPMENT CONSISTING OF LIGHT ASSEMBLY AND MANUFACTURING FACILITIES WITH OUTSIDE STORAGE, LOCATED AT 1811 SPARKS DRIVE, CASE ZC23-015.**

Presented by: David Jones, Community Development Director

Summary: The applicant, Douglas Cooper, has requested to rezone approximately 15.23 acres from I (Industrial District) to PD (Planned Development District) for two buildings consisting of a 144,450 square foot cabinet and mill work shop and a 28,100 square foot granite shop with retail showroom. Following consideration by the Planning and Zoning Commission at their April 10<sup>th</sup> meeting, the square footage of both buildings have increased in size (450 square feet and 7,100 square feet, respectively).

The buildings will support the business operations of Exist Multi-Family, which provides cabinetry and granite to a variety of builders and other customers. The development will also construct areas for loading and outside storage of materials, to be oriented opposite of the facades facing Chisholm Trail Parkway. The property is located within the F (Freeway Overlay) District. The applicant is requesting a base zoning of I (Industrial District) with the following deviations:

- The allowance for Outside Storage to be permitted by right in lieu of obtaining a separate SUP for the outside storage area for the granite shop;
- An alternative screening device for the outside storage area for the granite shop; and
- An increase in the maximum amount of nonliving ground cover that may be substituted living ground cover.

The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended approval by a vote of 6-0 with one Commissioner abstaining.



Petitioners Douglas Cooper and Stan DeMille were available should the Council have questions.

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

**MOTION: to approve as presented**

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

**OR6. OR04-2023-00 \*PUBLIC HEARING\* CONSIDER AN ORDINANCE REZONING ±71.59 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) AND A (AGRICULTURAL DISTRICT), A PORTION OF WHICH LIES WITHIN THE F, FREEWAY OVERLAY, TO MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) WITH ASSOCIATED CONCEPT PLAN, LOCATED SOUTH OF US HIGHWAY 67, WEST OF NORTH NOLAN RIVER ROAD, AND NORTH OF RIVER BEND ROAD, CASE ZC23-018.**

Presented by: David Jones, Community Development Director

Summary: The property owner, Sandstone Cleburne 40 Partners, LP, represented by Bart Irby, has requested to rezone approximately 71.59 acres from RC (Regional Commercial District) and A (Agricultural District) to MF-2 (High-Density Residential District), located generally southwest of Texas Best Smokehouse and Zimmerer Kubota and north of River Bend Road. The applicant intends to rezone the subject property for the construction of multi-family residential development at a density of no more than 24 dwelling units per acre. The applicant has submitted a Concept Plan and Letter of Intent to be considered as part of this straight zoning request.

Traffic generation of the proposed development may result in decreased functionality of the nearby corridors; however, the impacts are unknown and the City has not received a full Traffic Impact Analysis. If approved, staff recommends as a condition of approval that the improvements necessary to offset the impacts of the development be required to be implemented by the developer to prevent the impacts on the traffic network from materializing. This will ensure the burden of addressing traffic impacts and associated costs that are directly related to this development are not inadvertently conveyed to the City or adjacent developments.

The Planning and Zoning Commission considered this request at their April 10, 2023 meeting and recommended denial 4-3. *Per Section 155.5.05D of the Code of Ordinances, the recommendation of denial means the request cannot become effective except by unanimous vote of City Council.*

Members of the development team, Bart Irby, Shea Kirkman, Jeremy Steenerson, Lewis Merritt, and Lester Pay were available should the Council have questions.

General discussion of the Council was this area is a prime location for multi-family development, which will benefit the retail opportunities at Cleburne Station. The Council liked the concept plan and applauded the development team for their proposal, but wished this had been presented as a Planned Development (PD) zoning request rather than straight multi-family zoning. There was discussion about the 27-acre open space area and hope the developer will, at some point, consider coordinating with the City to integrate the proposed walking trails for continuity into a public walking trail system. There was agreement of the Council a traffic impact analysis be conducted by the developer and that traffic control devices be consistent with that of the Cleburne Station area. The Council discussed and conferred with the City Attorney about the process for changing the application to a Planned Development. However, the Council expressed interest, and encouraged staff, to expedite the process.

Mr. Bart Irby explained he is very interested and excited about developing property in Cleburne and plans to do so for the next 7-9 years, and complimented the Community Development Staff as they have worked through the process the past 5 months. Mr. Irby stated he is good with Council’s recommendation for a Planned Development zoning.

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

**MOTION: to deny without prejudice**

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

**RS7. RS04-2023-57 CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE CITY OF CLEBURNE WATER UTILITY MODEL AND WATER UTILITY MASTER PLAN PROJECT IN THE NOT TO EXCEED AMOUNT OF \$239,418.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne seeks assistance in completing a Water Utility Model and Water Utility Master Plan. This computer aided water utility model will be used to perform water modeling for existing, and simulations for 5-year, 10-year, and 25-year conditions to develop improvement alternatives for water system improvements.

A comprehensive water master plan is needed to determine the needs, limitations, conditions and adequacy of the existing water utility system. Without accurate and up-to-date information, it is difficult to prioritize system renewal and replacement projects. The proposed project includes:

- field investigation and data collection
- development of a complete computer aided water simulation model

- identification of pipeline, pumping, and storage improvement needs
- operational recommendations to improve system efficiency
- development of a comprehensive listing of water utility system capital improvement projects
- a final report that documents the assumptions, methodology, results, and recommendations

The information provided by this project and the computer aided water utility model will be instrumental in identifying projects moving forward to cost effectively develop, maintain, and expand the water utility system. This project is expected to take 9 months to complete.

**MOTION: to approve as presented**

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

**OR7. OR04-2023-30 CONSIDER AN ORDINANCE AMENDING THE CODE OF ORDINANCES REVISING THE GENERAL PENALTY CLAUSE; MODIFYING CITY REGULATIONS RELATED TO PARKING, JUNKED VEHICLES, AND DISABLED VEHICLES, AND NUISANCES; ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS.**

Presented by: Rob Severance, Chief of Police

Summary: The International Code Council (ICC) publishes new codes every three years, including the International Property Maintenance Code (IPMC), the International Building Code (IBC), the International Residential Code (IRC), the International Energy Conservation Code (IECC), the International Existing Building Code (IEBC), the International Mechanical Code (IMC), the International Fuel Gas Code (IFGC), the International Plumbing Code (IPC), the International Swimming Pool and Spa Code (ISPSA), and the International Fire Code (IFC).

The City adopted the 2015 IPMC on November 27, 2018. The City adopted the 2021 edition of the other I-Codes on October 25, 2022. Staff have been working with the original property maintenance code committee and city attorney to prepare a draft ordinance adopting the 2021 IPMC with local amendments, in addition to other associated code changes that will help ensure residential and commercial properties are upheld to modern standards. The 2021 IPMC is fully compatible with all the other I-Codes adopted by the City.

**MOTION: to approve storage container provisions as presented as part of OR7 local amendments (“OR7-B”)**

	Motion	Second	Aye	No	Abstain	Absent		Result
Weathers	X		X					Approved as presented
Mann			X				X	Approved as amended

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

**MOTION: to approve adoption of the 2021 International Property Maintenance Code as presented, and direct staff to present at a future meeting an ordinance amendment considering provisions for outdoor storage of appliances (“OR7-A”)**

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

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**DISCUSSION & UPDATES**

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**OC3. DISCUSS POTENTIAL CHANGES TO CHAPTER 155 – ZONING, RELATED TO REGULATION OF COMMERCIAL OUTDOOR STORAGE.**

Presented by: David Jones, Community Development Director

Summary: This is to discuss potential updates to outdoor storage regulations to specifically address storage of appliances at retailers and repair shops. Existing outdoor storage regulations in Chapter 155 are general in scope, addressing a wide variety of stored items and locations. The proposed regulations would create screening requirements specifically for the outdoor storage of appliances such as refrigerators, ovens, dishwashers, and similar items. The storage of such items often tend to occur at visible locations at retail businesses and along busy commercial corridors, where adequate screening of outdoor storage is of utmost value and effectiveness.

The proposed text presented for consideration is an alternative to regulations presented in the International Property Maintenance Code (IPMC) updates on this meeting agenda. If sufficient regulations are approved as part of the IPMC updates, this item will no longer be needed for consideration.

This was a discussion item, but presented in conjunction with **Item OR7**. As documented in the motion for **OR7-B**, storage container regulations were added to the local amendments for the 2021 IPMC. Also documented in the motion for **OR7-A**, Council directed staff to present an ordinance amendment at a future meeting for regulations of commercial outdoor storage of appliances.

Mayor Cain recessed the Regular Meeting at 6:56 PM to discuss items legally posted and discussed 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.** 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)

**Section 551.087. Deliberation Regarding Economic Development Negotiations** 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).

**EXE2.** Discuss request for Tax Abatement related to proposed industrial project at 503 West Vaughn Road

Mayor Cain reconvened into open session at 7:38 PM and no formal action was taken resulting from items legally posted and discussed in Executive Session.

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### ADJOURNMENT

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**ADJOURNED AT: 7:38 PM**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON:     MAY 9, 2023**

**CITY OF CLEBURNE**

\_\_\_\_\_  
**Scott Cain, Mayor**

**ATTEST**

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**Ivy Peterson, City Secretary**