



CITY COUNCIL REGULAR MEETING MINUTES
MAY 9, 2023 @ 5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:03 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 Chaplain Mark Ely for the Cleburne Police & Fire Departments

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.

Marvin Mercer, a resident of Mayfield village spoke of the traffic and construction happening near Ferguson Drive development.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. PRESENTATION – Quarterly Financial Report through March 2023

Kevin Hennessey, Assistant Director of Finance presented the second quarter of Fiscal Year 2023 summary of the revenue and expenditures for the quarter ending March 2023, with comparisons to the FY2023 budget.

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 APRIL 25, 2023 REGULAR COUNCIL MEETING.

RS1. RS05-2023-57 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH JML INVESTMENTS, LTD UNDER THE TERMS OF THE FAÇADE IMPROVEMENT ECONOMIC DEVELOPMENT INCENTIVE PROGRAM, FOR PROPERTY LOCATED AT 1614 NORTH MAIN STREET.

Presented by: Grady Easdon, Economic Development Manager

Summary: Mr. James Lemons, representing JML Investments Ltd., has submitted an application under the City of Cleburne’s Façade Improvement program seeking reimbursement of expenditures for improvements to his property located at 1614 North Main Street. The scope of work for this project includes repairing and repainting the building exterior, repainting the sign facing Main Street, and stripping and repainting the pipe fencing fronting the property. Under the terms of the Façade Improvement Economic Development Matching Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project is estimated to be \$12,702, so the maximum reimbursement would be \$5,000. Should this request be approved, there will be \$30,000 in remaining funds for other projects under the program.

RS2. RS05-2023-58 CONSIDER A RESOLUTION APPROVING THE TAX INCREMENT REINVESTMENT ZONE NO. 3 BOARD’S RECOMMENDATION TO SPEND AN AMOUNT NOT TO EXCEED \$1,143,075 FROM THE CLEBURNE STATION PARKWAY PROJECT LINE ITEM.

Presented by: Chris Fuller, Deputy City Manager

Summary: The Tax Increment Reinvestment Zone No. 3 Board of Directors met on May 1, 2023. At the meeting, the Board unanimously agreed to the spending of an amount not to exceed \$1,143,075 from the Cleburne Station Parkway project line item for costs associated with the construction of Cleburne Station Parkway. This portion of the parkway will extend from Woodruff Road to SH171. The project is scheduled for construction in early 2024.

The professional services agreement with Childress Engineers for the design of the parkway was approved by City Council at their April 11, 2023 meeting.

RS3. RS05-2023-59 CONSIDER A RESOLUTION AUTHORIZING RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SAFE BUILT TEXAS, LLC FOR THIRD PARTY BUILDING INSPECTIONS AND PLAN REVIEW FOR AN AMOUNT NOT TO EXCEED \$120,000.

Presented by: David Jones, Community Development Director

Summary: A professional services agreement was entered into on March 31, 2020 between the City of Cleburne and Safebuilt Texas LLC, to provide assistance to the Building Inspections Division with plan review and building inspections. The Agreement was initiated to provide assistance to staff due to increased development activity within the City. The agreement was most-recently renewed for an additional 12 months in the amount of \$101,000 on April 26, 2022.

Staff is requesting to renew the Agreement for an additional 12 months to May 25, 2024 for services to be provided on an as-needed basis. Renewal of this Agreement will provide the ability to maintain the same level of customer service the development community is accustomed

to in Cleburne. The requested amount accounts for the anticipated demand as well as upcoming large-scale projects where both inspections and technical plan review services will be utilized.

RS4. RS05-2023-60 CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2023.

Presented by: Rhonda Daugherty, CFO/Director of Finance

Summary: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment report must be prepared by the investment officer and submitted to the governing body. For the quarter ending March 31, 2023, the City invested unrestricted funds in four Local Government Investment Pools: TexPool, TexSTAR, Texas Class and LOGIC. Included with the investment report are the newsletters from each of the pools providing information on the average yield, net asset value, weighted average maturity, and portfolio composition for each investment pool at the end of the reporting quarter. As of March 31, 2023, there was \$164,215,765.31 invested in the four investment pools, along with the loan proceeds held by TWDB at Amegy Bank, with total quarterly interest income of \$1,812,107.17. The percentage allocation by investment pool on March 31, 2023, is LOGIC: 33.80%, Texas Class: 33.71%, TexPool: 10.51%, TexSTAR: 7.47%, and Amegy: 14.50%.

OC1. CONSIDER AUTHORIZING THE EXPENDITURE OF FUNDS TO REMOVE A STUMP AND FENCING AND INSTALL A NEW PRIVACY FENCE ALONG THE PROPERTY AT BRADSHAW PARK BY LATHAM FENCE, INC FOR AN AMOUNT NOT TO EXCEED \$17,000, AS RECOMMENDED BY THE 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The renovations to Bradshaw Park will be one of the first projects undertaken by the 2022 Sales Tax 4B Corporation Revenue Bonds. This project sees reinvestment into the City’s Park system. The renovation project calls for the removal of the old cyclone fence and install a new 6-foot cedar privacy fence with steel posts. Latham Fence Inc. is recommended for this project utilizing the interlocal agreement with the City of Hurst (18-013). This proposal is for an amount not to exceed \$17,000.00. The 4B Economic Development Corporation Board of Directors considered and unanimously recommended this purchase at their April 27, 2023, meeting.

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

ACTION AGENDA

OR1. OR05-2023-31 *PUBLIC HEARING* CONSIDER AN ORDINANCE APPROVING A SERVICE AGREEMENT WITH M SHARP FAMILY, LP AND VOLUNTARY ANNEXATION FOR ±0.935 ACRES LOCATED WITHIN A PORTION OF THE J PENNINGTON SURVEY, ABSTRACT NO. 704 AND GENERALLY LOCATED SOUTH OF BROWNING LANE, APPROXIMATELY 1,275 FEET EAST OF SOUTH NOLAN RIVER ROAD AND APPROXIMATELY 1,900 FEET NORTH OF OLD FOAMY ROAD, AS REQUESTED BY M SHARP FAMILY, LP, REPRESENTED BY CORY MURRAY, CASE GC23-002.

Presented by: David Jones, Community Development Director

Summary: A petition for voluntary annexation has been filed with the City by the owner of approximately 0.935 acres, generally located south of Browning Lane, approximately 1,275 feet east of South Nolan River Road and approximately 1,900 feet north of Old Foamy Road, contiguous to the city limits of 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 a public hearing before it may initiate annexation proceedings for the property. The City Council will hold a public hearing and consider adoption of the annexation ordinance on May 9, 2023 at 5:00pm in the City Hall Council Chambers.

The subject property is located within the Low Density Residential Future Land Use District. The territory hereinafter annexed into the City shall be classified under the “IH” – Interim Holding District. Following approval of the annexation petition, it is the applicant’s intent to submit an amendment to the Sharp Meadows PD (Planned Development District) Ordinance No. OR03-2022-26 to incorporate the additional land into the PD.

Corey Murray was available and was in favor of the project.

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

The City Attorney stated this item requires two motions, the first being to consider the service agreement, and the second, the voluntary annexation petition.

MOTION: to approve the service agreement

	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	Motion Carried		Motion Failed				Roll Call

MOTION: to approve the voluntary annexation

	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. OR05-2023-32 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±180.00 ACRES BY AMENDING PD (PLANNED DEVELOPMENT DISTRICT) ORDINANCE NO 10-2020-59, REGARDING REGULATIONS FOR THE MULTI-FAMILY TRACT WITHIN CUSTARD FARMS, GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, BETWEEN E VAUGHN ROAD AND BURGESS ROAD, CASE ZC23-011.

Presented by: David Jones, Community Development Director

Summary: The applicant, Trafalgar Homes, represented by Megan Leatherwood, is requesting to amend a portion of the Custard Farms PD (Planned Development District) that was originally approved in October, 2020. The subdivision sits on ±180.00 acres and is generally located on the east side of N. Main Street, between E. Vaughn Road and Burgess Road. The PD consists of 483 single-family detached residential lots, approximately 50 acres of open space, and a multi-family tract located near the southeast intersection of N. Main Street and E. Vaughn Road.

The applicant is requesting to amend the regulations for the multi-family tract, specifically requesting an alternative material for the perimeter fencing along N. Main Street and E. Vaughn Road, and an encroachment within the 15-foot landscape buffer along E. Vaughn Road. The applicant has provided a Letter of Intent, Site Plan, and Landscape Plan showing the proposed amendments. The single-family detached residential area is not proposed for amendment and will follow the existing PD standards. The Planning and Zoning Commission considered this request at their April 24, 2023, meeting and recommended approval by a vote of 6-0 with the following condition:

- i. The metal fence along N. Main Street and E. Vaughn Road be constructed with masonry columns spaced between 40 and 50 feet apart, and proportionally spaced between corners.

Following the April 24th Planning and Zoning Commission Meeting, the applicant has revised the landscape plan and fencing detailing to show the proposed perimeter fencing with masonry columns spaced per Planning and Zoning Commission’s recommendation.

Wes Bishop and Megan Letherwood were present should the Council have questions.

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

MOTION: to approve OR2 with the following two conditions: 1) allow the perimeter fencing along North Main Street and East Vaughn Road be constructed with masonry columns spaced between 40 and 50 feet apart, and proportionally spaced between corners;

and 2) allow an approximate 219 linear encroachment into the landscaped edge along East Vaughn Road

	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>

OR3. OR05-2023-33 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.80 ACRES FROM CI (COMMERCIAL/INDUSTRIAL FLEX DISTRICT) TO RC (REGIONAL COMMERCIAL DISTRICT) LOCATED AT 1840 NORTH MAIN STREET, CASE ZC23-013.

Presented by: David Jones, Community Development Director

Summary: The applicants, Juan Zuniga and Rodolfo Aguilar, have requested to rezone approximately 0.80 acres from CI (Commercial/Industrial Flex District) to RC (Regional Commercial District) for the property located at 1840 N. Main Street. The applicants intend to rezone the property to an appropriate commercial zoning district classification in order to expand the existing restaurant, Taqueria Mexicano Grille Estilo Jalisco. The Planning and Zoning Commission considered this request at their April 24, 2023, meeting and recommended approval by a vote of 6-0.

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>

OR4. OR05-2023-34 *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING SPECIFIC USE PERMIT ORDINANCE NO 08-2022-61 TO AUTHORIZE AMENDMENTS TO THE SITE PLAN AND BUILDING DESIGN FOR THE EXPANSION OF A HEAVY EQUIPMENT SALES AND REPAIR FACILITY ON ±6.98 ACRES, LOCATED AT 2637 AND 2825 NORTH NOLAN RIVER ROAD, CASE ZC23-016.

Presented by: David Jones, Community Development Director

Summary: The applicant, Zimmerer Kubota, represented by Ray Oujesky, is requesting to amend the existing Specific Use Permit (SUP) Ordinance No. 08-2022-61 that was originally approved for the expansion of the existing Zimmerer Kubota heavy equipment dealership located at 2825 N. Nolan River Road. The SUP was originally approved in August 2022, for a 10,000 square foot service building, a covered wash bay, a covered breezeway, and additional outdoor display area.

With this SUP amendment, the applicant is requesting to increase the square footage and building design for the proposed service building. The applicant has provided a Letter of Intent, Concept Plan, and building elevations showing the proposed amendments. The Planning and Zoning Commission considered this request at their April 24, 2023, meeting and recommended approval by a vote of 6-0.

Ray Oujesky and Lon Zimmerer were present 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		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>

OR5. OR05-2023-35 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±1.88 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO SF-6 (SINGLE-FAMILY DWELLING DISTRICT) ON PROPERTIES LOCATED AT 225, 227, 229, 231, 302, 303, 304, AND 305 MECHANIC STREET, AND 301 AND 303 EASTLAND STREET, CASE ZC23-017.

Presented by: David Jones, Community Development Director

Summary: The applicant, Brian Greenslade, has requested to rezone approximately 1.88 acres from SF-7 (Single-Family Dwelling District) to SF-6 (Single-Family Dwelling District) for the properties located at 225, 227, 229, 231, 302, 303, 304, and 305 Mechanic Street, and 301 and 303 Eastland Street.

The applicant is requesting to rezone these properties in order to allow the construction of single-family homes that conform to the minimum home size and minimum building setbacks of the SF-6 (Single-Family Dwelling District). The Planning and Zoning Commission considered this request at their April 24, 2023, meeting and recommended approval by a vote of 6-0.

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

There was discussion about parking and garage space. Mayor Cain asked representative Darrell Hightower to come forward and clarify the development plan regarding parking and garage

space. Mr. Hightower confirmed the plan is to provide each unit a one-car garage with room to stack another car in the driveway.

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>

RS5. RS05-2023-61 CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MESA DESIGN GROUP FOR ARCHITECTURE AND ENGINEERING SERVICES FOR THE HULEN PARK IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$299,100, AS RECOMMENDED BY THE PARKS & RECREATION BOARD, AND 4B ECONOMIC DEVELOPMENT CORPORATION.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The renovations to Hulen Park are one of the projects undertaken by the 2022 Sales Tax 4B Corporation Revenue Bonds. This project will see reinvestment into the City’s Park system. The renovation project calls for adding a skatepark, trails, a bridge over the creek, a new or renovated restroom to serve the park’s west side, park amenities, and a parking area. Staff and other contractors will add additional elements, such as park signage and landscaping.

MESA Design Group is recommended for this project utilizing funds from the 2022 Sales Tax 4B Corporation Revenue Bonds. MESA is an award-winning landscape architecture, planning, and urban design firm based in Dallas. For over 40 years, they have enhanced public and private spaces and created opportunities for recreation, education, and community locally and internationally. This proposed amount includes the base proposal of \$267,100 and an optional fee of \$32,000 for a total design budget of \$299,100.

The Parks & Recreation Board considered and recommended that City Council select MESA Design Group for the design renovations to Hulen Park at their April 25, 2023, meeting. The 4B Economic Development Board considered and recommended for City Council to select MESA Design Group for the design renovations to Hulen Park at their April 27, 2023, meeting.

Fred Walters was available should the Council have questions. Council requested staff to talk briefly about the project and to provide reports as the project progresses.

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	Motion Carried		Motion Failed			Roll Call		

RS6. RS05-2023-62 CONSIDER A RESOLUTION DESIGNATING JUNETEENTH AS AN OFFICIAL CITY HOLIDAY.

Presented by: Ivy Peterson, City Secretary

Summary: Juneteenth, deriving its name from combining "June" and "nineteenth" is celebrated on the anniversary of General Order No. 3, issued by Major General Gordon Granger on June 19, 1865, proclaiming freedom for slaves in Texas. A celebration that has persisted for over a century received its first official recognition on June 7, 1979, when the Texas Legislature passed a bill declaring Juneteenth a state holiday. Originating in Galveston, Juneteenth is now observed annually in all 50 states of the United States. This day was first recognized as a federal holiday in 2021, with the ‘Juneteenth National Independence Day Act’ and as a Johnson County holiday in 2022. This action will add June 19th to the list of holidays observed by the City of Cleburne.

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	Motion Carried		Motion Failed			Roll Call		

Mayor Cain recessed the Regular Meeting at 6:00 PM to discuss items legally posted and discussed 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:

- EX1.** 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).

EX2. Discuss Project Sunrise

Mayor Cain reconvened into open session at 6:48 PM and formal action was taken on **EX2** resulting from discussion in Executive Session.

MOTION: to approve a professional services agreement related to “Project Sunrise” and authorize the City Manager to execute same and any other consultant agreements as may be required to analyze the project on behalf of the City

	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>

ADJOURNMENT

ADJOURNED AT: 6:49 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: MAY 23, 2023

CITY OF CLEBURNE

Scott Cain, Mayor

ATTEST

Ivy Peterson, City Secretary