



CITY COUNCIL REGULAR MEETING MINUTES
MAY 24, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:15 PM

City Council:

- ✓ Scott Cain, Mayor
- ✓ Derek Weathers, SMD 1
- X 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 David Raybuck, StoneWater Church

III. PLEDGE OF ALLEGIANCE

IV. SWEARING IN CEREMONY FOR ELECTED OFFICIALS

For Mayor and Councilmembers representing Single Member Districts 1 and 4

Administration of Statements of Elected Officer

Administration of Oaths of Office

Presentation of Certificates of Election

V. ~~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.

VI. 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.

VII. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1.

Poppy Days, Memorial Day Proclamation – Marty Peters

Mrs. Peters also announced the Memorial Day ceremony to honor the lives and memories of fallen veterans will be held Monday, May 30, 2022 at the Cleburne Memorial Park Cemetery.

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 MAY 10, 2022 REGULAR COUNCIL MEETING AND MAY 17, 2022 SPECIAL COUNCIL MEETING.

RS1. RS05-2022-66 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JUNE 14, 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 June 14, 2022 at 11:59 p.m. central daylight time

RS2. RS05-2022-67 CONSIDER A RESOLUTION SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS.

Presented by: Kevin Hennessey, Assistant Director of Finance

Summary: Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

This resolution suspends the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

RS3. RS05-2022-68 CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF BURLESON FOR THEIR ANNUAL CONTRIBUTION TO CITY/COUNTY TRANSPORTATION.

Presented by: Kevin Hennessey, Assistant Director of Finance

Summary: City/County Transportation wishes to enter into an Interlocal Agreement with the City of Burleson for their annual contribution to the program. The City of Burleson’s contribution will assist City/County Transportation with the local match portion that is required by the City’s federal grant. The City of Burleson’s annual contribution for Fiscal Year 2023 will be \$39,113.26. The City of Burleson City Council considered and approved the agreement at their May 16, 2022 council meeting. Upon approval by the Cleburne City Council, a fully executed copy of the Interlocal Agreement will be returned to the City of Burleson.

OC1. CONSIDER ACCOUNTS PAYABLE AND BUDGET TRANSFERS FOR THE MONTH OF APRIL 2022.

Presented by: Kevin Hennessey, Assistant 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					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

ACTION AGENDA

RS4. RS05-2022-69 CONSIDER A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF CLEBURNE 4B ECONOMIC DEVELOPMENT CORPORATION SALES TAX REVENUE BONDS, SERIES 2022.

Presented by: Kevin Hennessey, Assistant Director of Finance

Summary: At the March 8, 2022 Regular City Council meeting, Council heard a presentation from Jim Sabonis, Hilltop Securities, on the plan of action for funding of the 4B Economic Development Corporation’s Parks Capital Improvement Program (CIP). The CIP will be funded in two phases, with the first phase of debt issuance sold and authorized by the 4B Board on May 24, 2022. This resolution is the required Council approval of the resolution adopted by the 4B Board, approving the Series 2022 Sales Tax Revenue bond sale.

Financial advisor Mr. Jim Sabonis with Hilltop Securities presented the sales tax revenue bond details. Bond counsel Mr. Robert Collins with Bracewell, LLC was also present should the Council have questions.

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>

RS5. RS05-2022-70 CONSIDER A RESOLUTION ACCEPTING THE STUDY AND INVESTIGATION PERFORMED BY BEN DYESS & ASSOCIATES AND ESTABLISHING A LAND VALUE COST FIGURE TO BE USED IN CALCULATING PARK FEES PURSUANT TO SECTION 154.047 OF THE CODE OF ORDINANCES.

Presented by: Aaron Dobson, Director of Parks & Recreation
 Summary: Section 154.047 “Park Facilities” requires a biennial study and investigation to determine acreage land value in lieu of donation. Ben Dyess & Associates performed a value finding within the City limits of Cleburne. The scope of the study looked at residential land value, acreage, and commercial. Using this information Council will develop a Residential Dwelling Unit Fee. This fee is only applicable if a development’s final plat has one hundred (100) or more units. This fee is an alternative if the developer does not dedicate land to the City, create a privately owned park, recreation and open space areas, or make improvements to existing facilities within a municipal park or dedicated parkland.

MOTION: to approve as presented accepting the report and set the land value cost of \$400 per unit

	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>

RS6. RS05-2022-71 CONSIDER A RESOLUTION TO DESIGNATE CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR THE APPLICATION WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR PARTICIPATION IN THE LOCAL PARK GRANT PROGRAM.

Presented by: Aaron Dobson, Director of Parks & Recreation
 Summary: Applications for Texas Parks & Wildlife Department (TPWD) Local Grants are due August 1, 2022. TPWD grants will be awarded in January 2023 for a maximum reimbursement

of \$750,000. This application is for the Hulen Park project consisting of a skate park, bridge across Buffalo Creek, restroom renovations/replacement, parking, walking trail, and site amenities. To apply for the grant, the City must designate an official as being responsible for the application and certify that funding for the project is available if the application is selected.

Mr. Dobson stated should the City be awarded the grant, TPWD awards the grant in January 2023 and requires a 50/50 funds match for which the City has certified funding is available. The total project cost is estimated to be \$1.45 million.

MOTION: to approve as presented and appointing Aaron Dobson, Director of Parks and Recreation as the official responsible for supervision of this project

	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>

OR1. OR05-2022-43 *PUBLIC HEARING* CONSIDER AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE EXPANSION OF AN EXISTING HEAVY EQUIPMENT SALES AND REPAIR FACILITY ON ±12.29 ACRES, ZONED RC (REGIONAL COMMERCIAL DISTRICT) AND LOCATED AT 3319 NORTH MAIN STREET, CASE ZC22-010.

Presented by: David Jones, Community Development Director
 Summary: The applicant, Brent Neuhaus, represented by Reed Construction Services, LLC, has submitted a request for a Specific Use Permit (SUP) for the property located at 3319 North Main Street, for the expansion of the existing United Ag & Turf tractor dealership. The applicant is proposing to expand the existing tractor repair shop, located in the rear of the main building, by approximately 9,334 square feet in order to meet the equipment service needs of its customers. Planning and Zoning Commission considered this request at its May 9, 2022 and voted 7-0 to recommend approval.

Mayor Cain opened the public hearing. There were no speakers and the public hearing was closed.

Proponent David Reed was present should the Council have questions.

MOTION: to approve as presented by waiving the building material requirements as requested by the applicant and recommended by the Commission

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

OR2. OR05-2022-00 **PUBLIC HEARING** **CONSIDER AN ORDINANCE REZONING ±19.4 ACRES FROM RC (REGIONAL COMMERCIAL DISTRICT) AND SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MF-2 (HIGH-DENSITY RESIDENTIAL DISTRICT) AND RC (REGIONAL COMMERCIAL DISTRICT), GENERALLY LOCATED SOUTH OF WEST HENDERSON STREET BETWEEN HILL COLLEGE AND THE FUTURE INTERSECTION OF WEST HENDERSON STREET AND UNIVERSITY BOULEVARD, CASE ZC22-011.**

Presented by: David Jones, Community Development Director

Summary: **The applicant is requesting to continue this item to the June 14, 2022 meeting.*

The applicant, Mayfield Family, LP, represented by Cross Architects, PLLC, has requested to rezone approximately 19.4 acres of land, generally located south of W. Henderson Street, between Hill College and the future intersection of W. Henderson Street and University Boulevard. Planning and Zoning Commission considered this case at its May 9, 2022 meeting and voted 5-2 to recommend denial.

Mayor Cain opened the public hearing. There were no speakers & the public hearing was closed.

There was discussion among council concerning the proposed rezoning and development in regard to the density this development would create as combined with the new multi family unit that had just been built in the same area.

MOTION: to deny

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

OR3. OR05-2022-44 **CONSIDER AN ORDINANCE CONSENTING TO THE EXPANSION OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CLEBURNE TO INCLUDE THE ENTIRETY OF A 106.03 ACRE TRACT**

OUT OF THE JACKSON COUNTY SCHOOL LANDS, ABSTRACT 436, JOHNSON COUNTY, TEXAS, CASE GC22-006.

Presented by: David Jones, Community Development Director

Summary: A petition for voluntary expansion of the City’s extraterritorial jurisdiction (ETJ) has been filed by Lawrence Martin, represented by Essex Properties, the owner of land located at the southeast corner of FM 1434 and County Road 1224. Currently, a 38 acre portion of the 106 acre property lies within the City’s ETJ with the remainder (approximately 68 acres) located within unincorporated Johnson County.

The owners are requesting to be brought into the City’s ETJ for the purpose of submitting a plat for single-family residential development, with the City as the sole platting jurisdiction. No zoning would apply within the ETJ.

Pursuant to Section 42.022 of the Texas Local Government Code and Section 1.3 of the City’s Charter, the City Council may by ordinance extend its ETJ boundaries and no public hearing is required for this request.

Phil Essex and Diego Palomarez were present and in support of the item.

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>

RS7. RS05-2022-72 CONSIDER A RESOLUTION FOR THE PRELIMINARY PLAT OF MIRANDA MEADOWS, FOR 103 SINGLE-FAMILY RESIDENTIAL LOTS AND THREE OPEN SPACE LOTS, BEING ±26.065 ACRES ZONED SF-7, SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH BRAZOS AVENUE AND EDGEWOOD LANE, CASE PC22-016.

Presented by: David Jones, Community Development Director

Summary: The applicant, Mirgon Enterprises, is requesting approval of the preliminary plat for Miranda Meadows, which consists of 103 single-family residential lots and three (3) open space lots. The plat substantially complies with the requirements as outlined in Chapters 154 and 155 of the Code of Ordinances.

The Planning and Zoning Commission considered this request at its May 23, 2022 meeting and voted 5-0 to recommend approval.

Petitioners Martha Miranda and Amanda Unarut were present should the Council have questions.

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>

RS8. RS05-2022-73 CONSIDER A RESOLUTION FOR THE FINAL PLAT OF VILLAGES AT MAYFIELD PHASE 2, FOR 135 SINGLE-FAMILY RESIDENTIAL LOTS AND ONE OPEN SPACE LOT, BEING ±26.258 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NORTH OF 1601 EAST HENDERSON STREET, SOUTH OF TOWNGREEN DRIVE, AND WEST OF FERGASON ROAD, CASE PC22-020.

Presented by: David Jones, Community Development Director
 Summary: The applicant, MKP Development, LLC, represented by Adlai Pennington, is requesting approval of the final plat for Villages at Mayfield, Phase 2, which consists of 135 single-family residential lots and one (1) open space lot. The plat substantially complies with the requirements as outlined in PD OR10-2021-57 and Chapter 154 of the Code of Ordinances. Planning and Zoning Commission considered this request at its May 9, 2022 meeting and voted 7-0 to recommend approval.

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>

RS9. RS05-2022-74 CONSIDER A RESOLUTION FOR THE FINAL PLAT OF LEGADO PHASE 1, FOR 172 SINGLE-FAMILY RESIDENTIAL LOTS AND NINE OPEN SPACE LOTS, BEING ±45.105 ACRES ZONED PD (PLANNED DEVELOPMENT DISTRICT), GENERALLY LOCATED NEAR THE SOUTHEAST INTERSECTION OF WEST HENDERSON STREET AND MAYFIELD PARKWAY, CASE PC22-022.

Presented by: David Jones, Community Development Director
 Summary: The applicant, Forestar Real Estate Group, represented by LJA surveying, is requesting approval of the final plat for Legado Phase 1, which consists of 172 single-family residential lots and nine (9) open space lots. The plat substantially complies with the

requirements as outlined in PD OR04-2021-19 and Chapter 154 of the Code of Ordinances. Planning and Zoning Commission considered this request at its May 9, 2022 meeting and voted 7-0 to recommend approval with conditions. On May 17, 2022, the applicant submitted a revised final plat that met the conditions recommended by the Commission.

Petitioner Landon King was present should the Council have questions.

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>

RS10. RS05-2022-75 CONSIDER A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH SHIELD ENGINEERING GROUP TO PROVIDE ENGINEERING SERVICES FOR THE EASTSIDE DRAINAGE – WENDELL STREET PROJECT FOR AN AMOUNT NOT TO EXCEED \$158,410.

Presented by: Jeremy Hutt, Public Works Director

Summary: This agreement provides engineering design services for drainage, water and sewer infrastructure on Wendell Street between Boone and Cedar Streets, and includes an evaluation of the Cedar Street drainage channel to assure downstream capacity. Paving of Wendell Street is not part of this project. Basic engineering and survey services are \$138,160. Additional services, including Subsurface Utility Engineering (SUE) and bid and construction phase support, will be billed as needed, up to a not-to-exceed amount of \$20,250. The total contract amount is \$158,410.

City Council approved \$1,000,000 in funding for Eastside Drainage projects in the FY22 budget. Construction costs on this project are estimated at \$2.3 million. Design is expected to be complete in late 2022. Construction will start in early 2023, and will be phased as funding becomes available.

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>

DISCUSSION & UPDATES

OC2. DISCUSS ART DONATIONS FOR THE CONFERENCE CENTER.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: The Conference Center has two donations for Council to consider: 1) A tribute to Lowell Smith to be placed inside the main entrance of the Conference Center; and 2) La Moderna would like to donate two pieces of art to be on display in the lobby area, one of which will depict “Together We Form A Multitude” and “Railroad Town”.

Mr. Dobson presented a depiction of the proposed donations that were all created by artist David Carter. Each art display would be accompanied with a description plaque.

The donation sponsored by four local banks, “They Passed This Way” is a tribute to Lowell Smith, Jr and is a 12’ x 8’ graphic art piece printed and framed to be placed in the main entrance. The art piece depicts the importance of Cleburne’s role with the Chisholm Trail. No prep or site modifications required for this art piece.

The donations sponsored by La Moderna USA are:

“Together We Form A Multitude” is a 10.6’ x 14’ art piece that represents the blending of cultures by celebrating Cinco de Mayo Celebration. The proposed location is in the Conference Center atrium on the north wall and would require moving the existing wall lighting to above or below the artwork.

“Railroad Town” is a 10.6’ x 14’ art piece that represents how the railroad shaped Cleburne’s past, present, and future. The proposed location is also in the atrium on the south wall and would require moving the existing wall lighting to above or below the artwork.

The council was in favor of moving forward with the consideration and directed staff to consult the Cleburne Museum staff and/or community historians to maintain Cleburne’s heritage.

ADJOURNMENT

ADJOURNED AT: 6:37 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JUNE 14, 2022