



CITY COUNCIL REGULAR MEETING MINUTES

MAY 25, 2021 @ 5:00PM

CITY HALL COUNCIL CHAMBERS

10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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.

I. ROLL CALL AND CALL TO ORDER BY MAYOR

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 Bro. Daniel Gibbs, Open Heart Ministries

III. PLEDGE OF ALLEGIANCE

IV. ~~CITY SECRETARY READS THE GUIDELINES TO SPEAK BEFORE COUNCIL~~ Mayor Cain waived the reading of the guidelines until such a time as necessary

V. CITIZENS COMMENTS

An opportunity was made available 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

- ☆ Proclamation—~~Motorcycle Safety Awareness Month, May 2021~~
- ☆ Proclamation – Cleburne Poppy Day, May 28th and Cleburne Remembrance Day, May 31st, 2021 – Marty Peters

Mayor Cain recessed the Regular Council Meeting at 5:08 PM to discuss items legally posted in Executive Session.

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, and the Texas Disaster Act, Chapter 418 of the Texas Government Code, Executive Session may be held at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to any posted subject matter of this City Council Meeting.

Section 551.071. Consultation with Attorney The City Council may convene into executive session to receive legal advice from the City Attorney on the following matters in which the duty of the City Attorney to the City's governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code:

EXE1. Discuss Redistricting Project

Mayor Cain reconvened into open session at 5:24 PM and no action was taken resulting from the above items posted and legally discussed in Executive Session.

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 11, 2021 REGULAR COUNCIL MEETING.

RS1. RS05-2021-62 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JUNE 8, 2021.

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 8, 2021 at 11:59 p.m. central standard time.

RS2. RS05-2021-63 CONSIDER A RESOLUTION ACCEPTING A DRAINAGE EASEMENT NEEDED FOR CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES ALONG WEST HENDERSON STREET TO BE CONSTRUCTED WITH THE BAKER FARMS DEVELOPMENT.

Presented by: Jeremy Hutt, Director of Public Works

Summary: Baker Farms is a proposed development on Henderson Street west of Nolan River Road. As part of the development process, the developer was required to obtain an off-site drainage easement from an adjacent property owner (1812 W Henderson St). The easement is required to relocate existing drainage facilities currently within the Texas Department of Transportation (TXDOT) right-of-way of Henderson Street (US Business 67). The existing drainage is in conflict with a right-turn lane to be constructed as part of the public improvements of the proposed subdivision.

Because the easement is located outside of the TXDOT right-of-way, the maintenance of the drainage facilities will become the City’s responsibility after the 2-year maintenance period post-construction. Acceptance of the easement by the City will ensure the ability to maintain the public infrastructure as necessary. The easement was obtained from the adjacent property owner by the developer and is provided to the City at no cost.

RS3. RS05-2021-64 CONSIDER A RESOLUTION AMENDING THE FEE SCHEDULE FOR LEGAL SERVICES PROVIDED BY TAYLOR OLSON ADKINS SRALLA & ELAM, LLP, PROVIDNG FOR FEE ADJUSTMENTS EFFECTIVE OCTOBER 1, 2021.

Presented by: Chris Fuller, Deputy City Manager

Summary: Taylor Olson Adkins Sralla & Elam, LLP, has submitted a request to increase the legal services fee schedule. The current rate structure was approved in 2006 with a flat rate of \$155 per hour for general attorney services and \$175 per hour for litigation and special projects. Since that time, the firm has revised its rate structure and differentiates the costs for partners and associate attorneys. The proposed fee schedule proposes tiered rate increases over three years culminating with a general partner rate of \$220 per hour, associate attorney rate of \$190 per hour, litigation/special project partner rate of \$240 per hour, and associate attorney \$210 per hour. These rates are commensurate with benchmark cities, as provided in the supporting materials.

OC1. CONSIDER APPROVING ACCOUNTS PAYABLE FOR THE MONTH OF APRIL 2021.

Presented by: Rhonda Daugherty, Director of Finance

MOTION: to approve as presented in its entirety

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

ACTION AGENDA

OR1. OR05-2021-24 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±0.17 ACRES FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 815 NORTH ROBINSON STREET; AS REQUESTED BY THE CITY OF CLEBURNE, CASE ZC21-006.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The City of Cleburne has requested to rezone approximately 0.17 acres from MF (Multiple-Family Housing District) to SF-4 (Single-Family District) for the property located at 815 North Robinson Street. The intent of the rezoning request is to sell the lot for the future construction of a single-family residential home. The existing structure that is currently on the property will be demolished prior to the sale of the lot.

The Planning and Zoning Commission considered this request at their May 10, 2021 meeting and recommended approval by a vote of 7-0.

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

MOTION: to approve as presented

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

OR2. OR05-2021-25 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±314.5 ACRES FROM IH (INTERIM HOLDING DISTRICT), C3 (COMMERCIAL DISTRICT), AND M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), MF (MULTIPLE-FAMILY HOUSING DISTRICT) AND C3 (COMMERCIAL DISTRICT), GENERALLY LOCATED WEST OF US HIGHWAY 67, NORTH OF WOODARD AVENUE AND EAST OF COUNTY ROAD 1227; AS REQUESTED BY LIONWOOD CLEBURNE LLC, REPRESENTED BY ROB WATSON, CASE ZC21-007.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant has requested to rezone approximately 314.5 acres from IH (Interim Holding District), C3 (Commercial District) and M1 (Light Industrial District) to SF-4 (Single-Family Dwelling District), MF (Multiple-Family Housing District) and C3 (Commercial District) for the property generally located west of US Highway 67, north of Woodard Avenue and east of County Road 1227.

Along the frontage road of US Highway 67, the applicant is requesting to rezone approximately 12.5 acres to the C3 District for commercial development and approximately 20 acres to the MF District for multi-family development. Additionally, the applicant is requesting to rezone the remaining 282 acres to the west to the SF-4 District for single-family residential development.

The Planning and Zoning Commission considered this request at their May 10, 2021 meeting and recommended approval by a vote of 7-0.

Proponent Rob Watson was present and available for questions of the Council.

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

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>		

RS4. RS05-2021-65 CONSIDER A RESOLUTION APPROVING THE PRELIMINARY PLAT OF CUSTARD FARMS ADDITION, BEING ±180 ACRES, GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, BETWEEN EAST VAUGHN ROAD AND BURGESS ROAD, AS REQUESTED BY MKP DEVELOPMENT, LLC, REPRESENTED BY TOPOGRAPHIC LAND SURVEYORS, CASE PC21-011.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The applicant is requesting approval of the preliminary plat for Custard Farms Addition. The preliminary plat consists of 483 single-family detached residential lots, 13 open space lots and one (1) lot for multi-family development. Within the single-family residential subdivision, there will be a mixture of 50-foot and 60-foot lot types. The development will be constructed in eight (8) phases, generally as shown on the preliminary plat.

The Planning and Zoning Commission considered this request at their May 10, 2021 meeting and recommended approval with a vote of 7-0.

Proponent Forrest Nanpe was available via teleconference for questions of the Council.

MOTION: to approve as presented

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

RS5. RS05-2021-66 CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CLEBURNE AND JOSHUA LAND FARM LLC (DEVELOPER), TO AMEND SPECIFIC PROVISIONS RELATED TO DEVELOPMENT STANDARDS,

INSPECTION OF PUBLIC INFRASTRUCTURE, AND FLOOD PLAIN ENFORCEMENT.

Presented by: Shane Pace, Executive Director of Development Services

Summary: The Developer of the Joshua Farms Municipal Management District (a.k.a. Silo Mills) submitted a formal request for Amendment #2 to the Development Agreement. The Developer has proposed three amendments to the current Agreement. These amendments include revisions to language related to the inspection of public infrastructure, responsibility of floodplain enforcement, and land use/development standards to permit the construction of an elementary school for Godley ISD within the portion of the property located within Cleburne’s ETJ.

Proponent Nathan Thompson was available via teleconference for questions of the Council.

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	Motion Carried		Motion Failed					Roll Call

OR3. OR05-2021-00 – WITHDRAWN BY STAFF CONSIDER AN ORDINANCE AUTHORIZING THE RELEASE OF CERTAIN INTEREST DUE ON LIENS FILED AGAINST THE PROPERTY LOCATED AT 231 NORTH BRAZOS AVENUE (LOT 2, BLOCK 287, ORIGINAL CLEBURNE); AS REQUESTED BY PROPERTY OWNER BILLY E DILL.

Presented by: Ivy Peterson, City Secretary

Summary: Billy E Dill is the owner of the property located at 231 North Brazos Street, Lot 2 Block 287, Original Cleburne. Mr. Dill is asking for the council to consider releasing the interest on a demolition lien filed against the property on September 28, 2001 Book 2703 Page 0711. He says he plans to sell the property.

This property was considered by the Building and Standards Commission in 1999 and condemned on October 20, 1999. Mr Dill attended the hearings of the commission and was present at the condemnation. He also filed an appeal with the District Court which was dismissed on May 11, 2001. The house was subsequently demolished as ordered on September 18, 2001. A lien was filed in the amount of \$1,400 for the cost of demolition and lot clearing services. The payoff for this lien for \$1,400 in principle and \$7,804.44 in interest is now \$9,204.44.

This is a corner lot located at the intersection of North Brazos Street and East Wardville Street. It is approximately 9900 square feet in size. Frontage is approximately 105 feet on both North Brazos and East Wardville. Johnson County Central Appraisal District lists the property at \$18,480 appraised value and \$24,300 market valuation and the property taxes are current according to the Johnson County Tax Office;

Staff requested this item be pulled from consideration and there was no discussion or action by the Council.

OR4. OR05-2021-27 CONSIDER AN ORDINANCE AUTHORIZING THE RELEASE OF CERTAIN INTEREST DUE ON LIENS FILED AGAINST 415 ELMO STREET (LOT 8, BLOCK 166, ORIGINAL CLEBURNE); AS REQUESTED BY PROPERTY OWNERS JAMIE AND JEFF DUGGER.

Presented by: Ivy Peterson, City Secretary

Summary: Mr. and Mrs. Dugger purchased the property on September, 1, 2006. This property was on the City’s mowing list for four years and according to the lien records was mowed six times in 2003, seven times in 2004, seven times in 2005, and seven times in 2006. Basic contractor fees paid for mowing were \$45-\$48 per mow and other hard costs include staff time, notification postage, supplies, and filing fees. A \$150/month administrative fee was authorized by city code to cover these costs and was included in the principal amount for the annual liens which are included in the backup. Three of the liens had been recorded with the County Clerk before the purchase of the property and the fourth was filed soon after.

Date Filed	Bk/Page	Principal	Interest	Total
1/29/2004	3220/0609	\$1,200.00	\$ 5,118.09	\$ 6,318.09
3/2/2005	3483/0846	\$1,386.00	\$ 4,596.65	\$ 6,527.85
2/8/2006	3729/0550	\$1,365.00	\$ 4,527.01	\$ 5,892.01
3/9/2007	4040/0766	\$1,365.00	\$ 3,948.17	\$ 5,313.17
Total		\$5,316.00	\$ 18,735.12	\$24,051.12

This is a corner lot located at the intersection of Elmo Street and Hix Road being approximately 9,800 square feet in size with approximately 106 feet of frontage along Elmo Street. On April 21, 2010 the City purchased an easement from the Duggers in the amount of \$3,050 as part of the Elmo Street 2010 Paving and Drainage Improvements project.

The owners are asking Council consider a waiver of the interest and certain encumbrances. The property taxes are current according to the Johnson County Tax Office and holds a current market and appraised value of \$23,500 according to the Central Appraisal District.

MOTION: to approve as presented waiving the interest

	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	Motion Carried		Motion Failed			Roll Call		

City Secretary Peterson requested the Council set a time limit for payment. Mayor Cain asked for a motion to reopen this item to consider amending the motion.

MOTION: to reopen to amend the motion

	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>

MOTION: to approve as presented waiving the interest giving 60 days for payment

	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>

OR5. OR05-2021-00 *SECOND READING* CONSIDER AN ORDINANCE GRANTING TO RECYCLOPS, LLC, A UTAH LIMITED LIABILITY COMPANY, A FRANCHISE SERVICE AGREEMENT TO COLLECT, HAUL, AND RECYCLE CERTAIN RECYCLABLE MATERIALS WITHIN THE CITY’S CORPORATE LIMITS.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In accordance with the City Charter (Sec 10.3.B) this item will be considered at 3 meetings, upon which action may be taken. This is the second of three readings to consider this franchise agreement with Recyclops, LLC, A Utah Limited Liability Company.

Recyclops provides recycling services to both residential and commercial properties that choose to subscribe to their services. This service includes bags that are filled by the customer and placed at the curb at their prescribed day. Recyclops utilizes independent contracted vehicles and drivers, collects the bagged materials, and hauls them to a recycling center.

Proponent Derek Michaelis was available via teleconference for questions of the Council.

This was the second of three readings for this item and no action was taken.

RS6. RS05-2021-67 CONSIDER A RESOLUTION ACCEPTING A PERMANENT PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A REUSE WATER PIPELINE KNOWN AS WEST LOOP REUSE PIPELINE.

Presented by: Jeremy Hutt, Director of Public Works

Summary: In the development of the West Loop Reuse Pipeline project, easements are needed for the installation and the perpetual maintenance of the pipeline. In the process of acquiring the necessary easements, the property owner for the Wasilchak Tract has proposed an alternate alignment and is willing to donate the required easement if the City would consider the revised alignment. The property owner has provided a signed Memorandum of Agreement (MOA). The revised alignment has been reviewed by the design engineer and can be accomplished without any significant time delays to the project and will not significantly effect the overall project cost to the City.

The proposed resolution will authorize the City Manager to execute the MOA, and any additional documents necessary to accept the proposed easement.

MOTION: to approve as presented

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

DISCUSSION & UPDATES

OC2. DISCUSS THE MASTER THOROUGHFARE PLAN.

Presented by: Jeremy Hutt, Director of Public Works

Summary: A professional services agreement with Kimley-Horn and Associates, Inc. (KHA) was approved to perform an update to the Cleburne Master thoroughfare Plan this past February. As part of the process, representatives from KHA will provide a status update of the project and seek discussion and feedback on certain elements of the plan, including:

- Desired Street Network Type
- Corridor Character Elements
- Landscaping
- Legacy Roads Criteria

In 2008 KHA was retained by the City of Cleburne to provide transportation planning services to analyze the City’s existing and proposed roadway thoroughfare system. Based upon the analysis of the existing, and future projected thoroughfare system needs, KHA developed the 2008 Master Thoroughfare Plan (MTP). A minor update of the MTP was performed in 2017 in order to adjust Ridgway Drive to accommodate recent developments. Since the original plan was developed, the City has experienced significant growth and an update to the MTP is needed.

Kimley-Horn representative Jeff Whitacre was present and provided an update on the progress of the City’s revised Master Thoroughfare Plan. Mr Whitacre also requested feedback from the Council on

certain elements in order to guide the MTP development in the desired direction. Criteria to consider was the following:

Community Character

Network (Grid Network, Arterial Network, or hybrid of the two networks)

Collectors (Tunneling effect on narrow street, wider parkway)

- Council communicated a preference for a wider parkway feel for the roadway and sidewalks with landscaping, meandering walkways, trails to maintain a small-town, rural feel.
- Landscaped medians are aesthetically pleasing, but should be carefully planned for longevity, cost considerations, and maintenance.
- Oak tree canopies are considered a nice and desirable feature.
- Driveway and access management standard will be included in the thoroughfare plan to accommodate pedestrian traffic.
- Add some low-maintenance features to certain areas (e.g. pavers to intersections).

Legacy Roads – establish descriptive criteria for current roads that don't meet the new roadway standards.

There was discussion about gateway and entrance corridors and if they will be included in the MTP. Cleburne is interested in having a plan to improve the entrance corridors and the MTP will identify these entry point locations. It will also provide a standard for major intersections (e.g., aesthetic features, pavers, etc.).

The consultant confirmed that other master plans will be reviewed and considered as part of the final project of the MTP. Other priorities were to consider the impact from street parking, especially on legacy roadways, Lakeshore Drive traffic calming, and the benefit of street striping. There was discussion about how to spread the traffic around especially for east-west traffic.

Mr. Whitacre stated that most of the analysis for the project will be completed by Summer 2021.

This was a discussion item and no formal action was taken.

ADJOURNMENT

ADJOURNED AT: 5:42 PM