



CITY COUNCIL REGULAR MEETING MINUTES
JUNE 14, 2022 @ 5:00PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031

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

City Council:

- ✓ Scott Cain, Mayor
- ✓ Derek Weathers, SMD 1
- ✓ Chris Boedeker, Mayor Pro Tem/SMD 2
- X 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 Dean Elliott, Cleburne Bible Church

III. PLEDGE OF ALLEGIANCE

IV. ~~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.

V. CITIZENS COMMENTS

An opportunity for the public to make comments or address concerns for any matter whether or not posted on the agenda.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

CMP1. Update on Summer Reading Program at the Cleburne Public Library - Tina Dunham, Library Director

Mrs. Dunham presented event highlights of the 2022 Summer Reading program that began June 3rd and goes thru July 31st and outlined the importance of continuing these summer reading programs. The Library's strategic priority for this initiative is to "encourage literacy and a love of reading through educational, cultural, and recreational programming for all ages."

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 24, 2022 REGULAR COUNCIL MEETING.

RS1. RS06-2022-76 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JUNE 28, 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 28, 2022 at 11:59 p.m. central daylight time.

RS2. RS06-2022-77 CONSIDER A RESOLUTION SUPPORTING THE APPOINTMENT OF JEREMY HUTT, P.E., TO THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS WESTERN REGION SOLID WASTE CAPACITY POLICY ADVISORY GROUP.

Presented by: Steve Polasek, City Manager

Summary: The purpose of this item is to support the nomination of Jeremy Hutt, P.E., to the North Central Texas Council of Governments Western Region Solid Waste Capacity Policy Advisory Group (PAG). The purpose of the PAG is to provide a forum to examine, discuss, and make decisions on solid waste approaches, programs, and infrastructure for the Western Region. The North Central Texas Council of Governments is currently accepting nominations to fill the 32 city and county voting seats on the Western Region Solid Waste Capacity Policy Advisory Group.

RS3. RS06-2022-78 CONSIDER A RESOLUTION RENEWING THE COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING TAX ABATEMENT AGREEMENTS.

Presented by: Grady Easdon, Economic Development Manager

Summary: Tax Abatements have been shown to be an effective and oftentimes necessary tool in the recruitment and retention of commercial and industrial business due to the highly-competitive environment in attracting new business to Cleburne. The current policy was last updated in July of 2020, and Section 312.002 of the Tax Code requires renewal and adoption every two years. No changes are recommended at this time.

MOTION: to approve as presented in its entirety

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

ACTION AGENDA

RS4. RS06-2022-79 CONSIDER A RESOLUTION ADOPTING CRITERIA FOR USE IN THE 2022 REDISTRICTING PROCESS.

Presented by: Ivy Peterson, City Secretary

Summary: The City Council approved Resolution #RS09-2021-117 on September 14, 2021, adopting a timeline for the redistricting of single member districts following the 2020 US Census. The timeline includes Council is to receive an update following the May 2022 election at a regularly scheduled meeting to re-initiate the redistricting process. Presenting this update is the City’s contracted legal counsel for redistricting services, Mr. Sydney W. Falk, Jr. of Bickerstaff Heath Delgado Acosta, LLP.

The City Council has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A.; Section 2 of the Voting Rights Act, 52 U.S.C.A. §10301; Article I, Section 1.2 of the City Charter; and Tex. Gov’t Code Ann. §§ 2058.001 and 2058.002.

A review of the 2020 census data reveals that a population imbalance exists among the City’s councilmember districts requiring redistricting of those districts. It is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence.

A set of established redistricting criteria will serve as a framework to guide the City in the formulation and consideration of districting plans. Redistricting criteria will provide the City a means by which to evaluate proposed plans and will assist the City in its efforts to comply with all applicable federal and state laws.

Mr. Falk gave the presentation via teleconference concerning the redistricting process. Special drawing sessions are scheduled for July 7, 14, & 21, 2022.

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>

RS5. RS06-2022-80 CONSIDER A RESOLUTION ADOPTING GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS AND PROVIDING COMMENTS.

Presented by: Ivy Peterson, City Secretary

Summary: It is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Council. The guidelines are for persons who offer specific redistricting plans for Council consideration, or who offer comments regarding any proposed plan or the redistricting process generally. The Council also welcomes any comments relevant to the redistricting process. Presenting the guidelines, along with the process criteria, is the City’s contracted legal counsel for redistricting services, Mr. Sydney W. Falk, Jr. of Bickerstaff Heath Delgado Acosta, LLP.

Councilmember Weathers directed staff to find an effective way of informing the public about how to make comments or suggestions on this process.

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

OR1. OR06-2022-45 CONSIDER AN ORDINANCE AMENDING TITLE III: ADMINISTRATION, CHAPTER 30: CITY GOVERNMENT, SECTION 31.06: MINIMUM NUMBER OF MEMBERS; LENGTH OF TERMS OF THE CODE OF ORDINANCES.

Presented by: Ivy Peterson, City Secretary

Summary: This code amendment removes the restriction of board members serving no more than two consecutive terms on a particular board. With the rapid growth in Cleburne, this will be extremely useful by allowing active and involved community members to continue serving in order to assist in the uninterrupted continuance of a board’s tasks, duties, or projects.

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

OR2. OR06-2022-46 *PUBLIC HEARING*** CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 154: SUBDIVISIONS, SECTION 154.085: STREET NAME SIGN REQUIREMENTS OF THE CODE OF ORDINANCES.**

Presented by: Jeremy Hutt, Director of Public Works

The existing Ordinance language is proposed to be updated to improve public safety and ensure compliance with the Texas Manual on Uniform Traffic Control Devices. The proposed update to Chapter 154, Section 154.085 will establish the requirements and guidelines for new developments to ensure consistent application of standards throughout the City. The update will address the following: General requirements, sign standards, installation requirements, approval requirements, and the requirements for custom signage.

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

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>

OR3. OR06-2022-47 *PUBLIC HEARING*** CONSIDER AN ORDINANCE AMENDING TITLE: XV: LAND USAGE, CHAPTER 151: FLOODPLAIN MANAGEMENT OF THE CODE OF ORDINANCES.**

Presented by: Jeremy Hutt, Director of Public Works

Summary: The City of Cleburne participates in the National Flood Insurance Program’s (NFIP) Community Rating System (CRS), a voluntary program that provides flood insurance premium discounts to communities that implement programs and measures that exceed the minimum

floodplain management requirements of the NFIP. Cleburne is rated a Class 8 in the system, which provides citizens with a 10% discount on flood insurance premiums.

In 2021, the Federal Emergency Management Agency (FEMA) revised requirements for elevating structures and mechanical equipment located within a designated flood zone. These new requirements, intended to reduce future flood damage, are a Class 8 prerequisite. This means that to continue to qualify for the Class 8 rating in the Community Rating System (CRS), they must be adopted and implemented.

The proposed ordinance modifications incorporate the required changes into the City of Cleburne Floodplain Ordinance.

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

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

RS6. RS06-2022-81 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF OSBORNE ADDITION, FOR 8 RESIDENTIAL LOTS, BEING ±25.873 ACRES, GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 801 AND COUNTY ROAD 701A, CASE PC22-026.

Presented by: David Jones, Community Development Director

Summary: The applicant, Charles Osborne, is requesting approval of the final plat of Osborne Addition, consisting of eight (8) residential lots, generally located at the northwest corner of the intersection of County Road 801 and County Road 701A, within the City’s Extraterritorial Jurisdiction (ETJ). The final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances.

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>

RS7. RS06-2022-82 CONSIDER A RESOLUTION APPROVING THE FINAL PLAT OF BELLE MEADOWS, PHASE 4, FOR 59 SINGLE-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE LOT, BEING ±19.114 GENERALLY LOCATED WEST OF SOUTH NOLAN RIVER ROAD AND SOUTH OF THE INTERSECTION OF SURRY PLACE DRIVE AND MEADOW VIEW DRIVE, CASE PC22-032.

Presented by: David Jones, Community Development Director

Summary: The applicant, Raintree Homes, Inc., represented by Jeffrey Patterson, is requesting approval of the final plat for Belle Meadows Phase 4, which consists of 59 single-family residential lots and one (1) open space lot. This is the fourth phase of the Belle Meadows subdivision, which was originally platted in 2002. The final plat for phase 4 meets all of the minimum requirements as outlined in Chapters 154 and 155 of the Code of Ordinances and conforms with the approved preliminary plat.

The proponent, Jeffrey Patterson was available should the council have any questions.

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

OC1. CONSIDER ACCEPTING DONATION OF ARTWORK “THEY PASSED THIS WAY” FOR THE CONFERENCE CENTER.

Presented by: Aaron Dobson, Director of Parks & Recreation

Summary: David Carter, on behalf of four local banks, would like the City to accept the donation of an art piece titled “They Passed This Way” as a tribute to Lowell Smith Jr. to be placed inside the main entrance of the Conference Center. This art piece will depict the importance Cleburne had along the Chisolm Trail and will feature the County Courthouse, cattle, Smith Ranch, and in the background a map of Texas.

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>

DISCUSSION & UPDATES

OC2. DISCUSS CAD/RMS CONSORTIUM UPDATE.

Presented by: Shane Wickson, Technical Services Lieutenant, Police Department

Summary: The Cleburne Police Department is currently cooperating with multiple other agencies across the county to launch a new consortium for public safety CAD/RMS interoperability. This report serves to update the council on the current status of the project and provide an opportunity for questions or discussion regarding the project.

Computer Aided Dispatch (CAD) is how calls are handled and how first responders know where to go. Records Management System (RMS) is the police reporting software. This system is important for data-sharing.

Involved stakeholders met and identified needs and issues going over several software demos. Johnson County committed \$750,000 in ARPA funds to the project. After contracts are approved, implementation should take 18-24 months.

Mayor Cain recessed the Regular Council Meeting at 6:13 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 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:

EXE. 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)

Mayor Cain reconvened into open session at 6:25 PM and no formal action was taken resulting from the item posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:25 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JUNE 28, 2022