



**REGULAR CITY COUNCIL MEETING MINUTES  
JUNE 23, 2020 @ 5:00 PM  
CITY HALL COUNCIL CHAMBERS  
10 NORTH ROBINSON STREET, CLEBURNE, TX 76031**

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City Council meetings reopened 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.

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**I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:02 PM**

\*Participated remotely

**City Council:**

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, 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 David Raybuck

**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. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS**

There were no announcements or presentations

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**CONSENT ITEMS**

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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 will be enacted with one motion. There was no separate discussion of these items.

**M1. CONSIDER MINUTES FOR THE JUNE 9, 2020 REGULAR COUNCIL MEETING.**

**RS1. RS06-2020-68**

**CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JULY 14, 2020 AT 11:59 P.M.**

Person presenting this item: Steve Polasek, City Manager

**BRIEF:** On March 13, 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 is for a period of seven days. In order to extend the Declaration, the City Council must consent to an extension pursuant 418.108(b) of the Texas Government Code. The Council has approved extensions to the Declaration as follows:

- March 13, 2020 by RS03-2020-32 until March 29<sup>th</sup> at 11:59 p.m.
- March 24, 2020 by RS03-2020-35 until April 14<sup>th</sup> at 11:59 p.m.
- April 14, 2020 by RS04-2020-45 until April 28<sup>th</sup> at 11:59 p.m.
- April 28, 2020 by RS04-2020-49 until May 12<sup>th</sup> at 11:59 p.m.
- May 12, 2020 by RS05-2020-54 until May 26<sup>th</sup> at 11:59 p.m.
- May 26, 2020 by RS05-2020-59 until June 9<sup>th</sup> at 11:59 p.m.
- June 9, 2020 by RS06-2020-61 until June 23<sup>rd</sup> at 11:59 p.m.

Following Governor Abbott’s announcement of Open Texas, the City 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 Declaration to the next regular council meeting date of July 14, 2020 at 11:59 p.m. central standard time.

Reminder that any decisions concerning any new orders made in the future will be made by the entire council.

**RS2. RS06-2020-69**

**CONSIDER A RESOLUTION AUTHORIZING THE RENEWAL OF AN OPERATIONAL PERMIT FOR 2020 TO CAREFLITE AMBULANCE SERVICE FOR PROVIDING BACKUP AMBULANCE SERVICES FOR THE CITY OF CLEBURNE FIRE DEPARTMENT.**

Person presenting this item: Scott Lail, Fire Chief

**BRIEF:** CareFlite is requesting renewal of the operations permit to provide backup ambulance services within the City of Cleburne. They have satisfied all requirements for the 2020 renewal and have held an operations permit since 2003.

**OC1. APPROVE ACCOUNTS PAYABLE FOR THE MONTH OF MAY 2020.**

Person presenting this item: Troy Lestina, Director of Finance

No comments

**MOTION: to approve as presented in its entirety**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X				X	Approved as presented
Boedeker	X		X					Approved as amended
Mann		X	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:

<b>X</b>	<i>Motion Carried</i>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>
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**BIDS AND QUOTES**

**BQ1. CONSIDER PURCHASE OF A NEW 2020 FORD F-550 WILDLAND BRUSH TRUCK FROM CHASTANG FORD TO BE USED BY THE FIRE DEPARTMENT; FOR A TOTAL COST NOT TO EXCEED \$160,000.**

Person presenting this item: Scott Lail, Fire Chief

**BRIEF:** Staff is requesting approval to purchase a new 2020 Ford F-550 Wildland Brush Truck utilizing the Houston Galveston Area Council Cooperative (HGAC) Contract FS12-19 through Chastang Ford for the amount of \$148,850. This vehicle will be used to replace Brush 1, which is currently over 20 years old. This fire apparatus is new and equipped with the latest fire vehicle safety features and enhanced firefighting capabilities. Based on the fire department’s vehicle requirements, this vehicle meets all required specifications. Additional cost to equip this vehicle with fire radios and other equipment will not exceed \$11,150. The vehicle being replaced, Unit 0147019, will be sold at auction. This purchase was discussed with the Council and included in the approved Fiscal Year 2020 Leased Equipment Improvement Fund (Fund 03) budget.

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		X	X				X	Approved as presented
Boedeker			X					Approved as amended
Mann			X					Denied
Warren	X		X					Withdrawn
Cain			X					Postponed until:
<b>X</b>	<i>Motion Carried</i>	<input type="checkbox"/>	<i>Motion Failed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Roll Call</i>

**RESOLUTIONS**

**RS3. RS06-2020-70**  
**CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH CARLOS ESTRADA TO REIMBURSE AN AMOUNT NOT TO EXCEED \$4,000 FOR THE CONSTRUCTION OF NEW A HOME LOCATED AT 903 NORTH WILHITE STREET UNDER THE IMPACT FEE REBATE INCENTIVE PROGRAM.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Mr. Estrada has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. Their approximate investment will be \$85,000 for a 1,430 square foot home at 903 N. Wilhite St. This is one of the many “infill lots” in Cleburne that have been acquired by builders or developers.

As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted:

- Lots or parcels shall be existing single-family substandard parcels or tracts and/or lots of record being less than 7,000 square feet in area
- Homes must be at least 1,200 square feet
- Construction must commence within 180 calendar days of execution of an agreement
- Construction must be completed within 12 months of commencement
- Single-family residences only; no duplexes or other multi-family residences are eligible
- Impact fee rebate is contingent upon issuance of completion letter by Building Official or their designee
- Maximum rebate of assessed impact fee amount not to exceed \$4,000
- Home construction must comply with all City codes and ordinances in addition to design and development standards as per Resolution RS01-2020-13, Section 1(b)(8)
- Only one application may be submitted per lot
- Construction of the residence may not be more than 50% complete at time of application as determined at the sole discretion of the Building Official or their designee
- Builder/developer must certify that they do not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Local Government Code in carrying out their obligations under the agreement
- Builder/developer will make an effort to utilize local area contractors

**MOTION: to approve as presented**

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

**RS4. RS06-2020-71**

**CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH GARZA GROUP CUSTOM HOMES LLC TO REIMBURSE AN AMOUNT NOT TO EXCEED \$4,000 FOR THE CONSTRUCTION OF NEW A HOME LOCATED AT 449 CHASE AVENUE UNDER THE IMPACT FEE REBATE INCENTIVE PROGRAM.**

Person presenting this item: Grady Eason, Economic Development Manager

**BRIEF:** Garza Group Custom Homes has submitted an application for reimbursement of impact fees under the Impact Fee Rebate Incentive Program that was adopted by City Council at the January 28, 2020 meeting. Their approximate investment will be \$135,160 for a 1,335 square foot home at 449 Chase Avenue. This is one of the many “infill lots” in Cleburne that have been acquired by builders

or developers. As part of the program, the builder must meet certain guidelines and criteria in order to qualify for reimbursement of these fees as noted:

- Lots or parcels shall be existing single-family substandard parcels or tracts and/or lots of record being less than 7,000 square feet in area
- Homes must be at least 1,200 square feet
- Construction must commence within 180 calendar days of execution of an agreement
- Construction must be completed within 12 months of commencement
- Single-family residences only; no duplexes or other multi-family residences are eligible
- Impact fee rebate is contingent upon issuance of completion letter by Building Official or their designee
- Maximum rebate of assessed impact fee amount not to exceed \$4,000
- Home construction must comply with all City codes and ordinances in addition to design and development standards per Resolution RS01-2020-13, Section 1(b)(8)
- Only one application may be submitted per lot
- Construction of the residence may not be more than 50% complete at time of application as determined at the sole discretion of the Building Official or their designee
- Builder/developer must certify that they do not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Local Government Code in carrying out their obligations under the agreement
- Builder/developer will make an effort to utilize local area contractors

**MOTION: to approve as presented**

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

**RS5. RS06-2020-72**

**CONSIDER A RESOLUTION CREATING A TEMPORARY ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING DEVELOPMENT OF TITLE XV: LAND USAGE, CHAPTER 155: ZONING, AND ASSOCIATED AMENDMENTS TO THE OFFICIAL ZONING MAP; APPOINTING MEMBERS TO AND ADOPTING A CHARGE FOR SAID COMMITTEE.**

Person presenting this item: Shane Pace, Executive Director of Development Services

**BRIEF:** The purpose of this item is to establish an advisory committee (known as “The Zoning Ordinance and Official Zoning Map Update Advisory Committee”) to assist and advise city staff, and to make recommendations to City Council regarding the development of Title XV: Land Usage, Chapter 155 Zoning, and associated amendments to the City’s Official Zoning Map.

The Committee shall consist of the Mayor and one (1) City Council Member, The Chair of the Planning and Zoning Commission and one (1) Planning and Zoning Commission Member, the Chair of the Zoning Board of Adjustment, and two (2) members of the development community to be appointed by the Mayor.

Staff has developed a “Charge of Procedural Guidelines” for the Committee, included in the backup for your review.

Mayor plans to appoint Jeff Patterson with Raintree and Robert Childress with Childress Engineering to the Advisory Committee.

**MOTION: to approve as presented and appoint Councilmember Mike Mann**

	Motion	Second	Aye	No	Abstain	Absent	Result
Kelly			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>

**ORDINANCE**

**OR1. CONTINUED**

**CONSIDER AN ORDINANCE REZONING ±27.812 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) AND C3 (COMMERCIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT), LOCATED APPROXIMATELY 1,500 FEET WEST OF NOLAN RIVER ROAD AND ON THE SOUTHWEST SIDE OF WOODARD AVENUE; AS REQUESTED BY RW GOSSETT, REPRESENTED BY MICHAEL VARRICHIO, CASE ZC20-003.**

Person presenting this item: Shane Pace, Executive Director of Development Services

**BRIEF:** The applicant has requested to rezone approximately 27.812 acres from SF-4 (Single-Family Dwelling District) and C3 (Commercial District) to PD (Planned Development District) for the property located approximately 1,500 feet west of Nolan River Road and on the southwest side of Woodard Avenue. The Planned Development is for a single-family residential development, to be known as Phases IV and V of the adjacent Remington Ridge subdivision. The applicant is requesting a base zoning of the SF-4 District with some deviations, including minimum lot area and building setbacks. The applicant is proposing some amenities including residential landscaping, architectural design standards and open space. Further detail is provided below.

The Planning and Zoning Commission considered this request at their April 27, 2020 meeting and recommended approval by a vote of 4-0 with the following condition:

1. Provide photos or elevations of structures and amenities to include with the Planned Development.

**UPDATE:** This PD (Planned Development) rezoning request was heard by the Planning and Zoning Commission on April 27, 2020. Per the applicant’s request, the public hearing was continued at the May 12, 2020 City Council meeting and the item tabled to this meeting on June 23, 2020.

The applicant has submitted an updated letter of intent to include a revision to the originally submitted Planned Development and states: “The update reflects a change of item N below which previously stated “Minimum Masonry Requirement: 80% (first floor only) to “Minimum Masonry Requirement: 60% (first floor only).” See staff’s agenda report for full application details.

***\*OPENED PUBLIC HEARING\****

Speakers: Mike Varrichio was available for questions and gave general overview of development and how it works with the existing development.

**MOTION: to continue the Public Hearing to the next regular council meeting of July 14, 2020 at 5:00pm**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			X					Approved as presented
Boedeker			X					Approved as amended
Mann	X		X					Denied
Warren		X	X					Withdrawn
Cain			X				X	Postponed until: 7/14/20
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

**OR2. OR06-2020-34**

**CONSIDER AN ORDINANCE REZONING ±0.316 ACRES FROM SF-4 (SINGLE-FAMILY DWELLING DISTRICT) TO C3 (COMMERCIAL DISTRICT), GENERALLY LOCATED ON THE NORTH SIDE OF EAST FM 4, ON THE SOUTH SIDE OF EAST SECOND STREET AND APPROXIMATELY 460 FEET WEST OF BOYD STREET; AS REQUESTED BY TERRY MANGRUM, REPRESENTED BY TRANS TEXAS SURVEYING, CASE ZC20-006.**

Person presenting this item: Shane Pace, Executive Director of Development Services

**BRIEF:** The applicant has requested to rezone approximately 0.316 acres from SF-4 (Single-Family Dwelling District) to C3 (Commercial District). The property is generally located on the north side of East FM 4, on the south side of East Second Street and approximately 460 west of South Boyd Street. The applicant owns the adjacent property to the west, zoned in the C3 District, where there are two existing buildings used for commercial businesses. The applicant has indicated their intent to utilize the property requested for rezone for future commercial development.

The properties to the north, east and south are zoned in the SF-4 District. To the north and east are existing single-family homes, to the northwest is the Cleburne Baseball and Softball Association practice fields and to the south, across East FM 4, is the Rose Hill Cemetery.

The Future Land Use Plan shows this property to be located in the Traditional Neighborhoods District, whose purpose is to support future population growth in a neighborhood development

context. The proposed rezoning request for commercial development is considered an appropriate use within this district.

The Planning and Zoning Commission considered this request at their June 8, 2020 meeting and recommended approval by a vote of 5-0.

***\*OPENED PUBLIC HEARING\****

Speakers: Laura Grace with Trans Texas Surveying was available for questions via teleconference

***\*CLOSED PUBLIC HEARING\****

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

**OR3. OR06-2020-35**

**CONSIDER AN ORDINANCE REZONING ±0.17 ACRES FROM C1 (LOCAL BUSINESS DISTRICT) TO SF-4 (SINGLE-FAMILY DWELLING DISTRICT), LOCATED AT 1102 SOUTH HILLSBORO STREET; AS REQUESTED BY JOSE F SIGALA, CASE ZC20-007.**

Person presenting this item: Shane Pace, Executive Director of Development Services

**BRIEF:** The applicant has requested to rezone approximately 0.17 acres from C1 (Local Business District) to SF-4 (Single-Family District) located at 1102 S. Hillsboro Street. The applicant has indicated their intent to build a single-family home in the future.

The subject property is currently a portion of Lot 1, Block 442 of Original Cleburne. Although the SF-4 District requires a minimum lot area of 7,000 square feet and a minimum lot width of 60 feet, the lot is approximately 6,400 square feet in size. This lot has existed in this configuration since before the establishment of the rules and regulations of the Zoning Ordinance (March 22, 1996). Section 155.08 (K) allows a substandard parcel or tract to be used for a single-family residential use provided that all other development regulations are satisfied. Additionally, a building permit may be issued on a substandard parcel or tract, and no plat shall be required.

The properties to the north and west are zoned in the SF-4 District and the properties to the south and east are zoned in the C1 District. In the immediate vicinity, there are a mixture of uses, including Hulen Park to the west, single-family homes to the north and east, and the Country Club Car Wash to the south.

The Future Land Use Plan shows this property to be located in the Preservation District, whose purpose is to stabilize property values in the older neighborhoods with single-family residential development. The proposed rezone request is considered an appropriate use within this district.

The Planning and Zoning Commission considered this request at their June 8, 2020 meeting and recommended approval by a vote of 5-0.

***\*OPENED PUBLIC HEARING\****

Speakers: Emily Hernandez, daughter of Jose Sigala was available for questions.

***\*CLOSED PUBLIC HEARING\****

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly			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>

**OR4. OR06-2020-36**

**CONSIDER AN ORDINANCE GRANTING A VARIANCE TO CERTAIN PROVISIONS OF CHAPTER 156: SIGN REGULATIONS, OF THE CODE OF ORDINANCES, SPECIFICALLY SECTION 156.40 SIGN STANDARDS, TO PERMIT AN ELECTRONIC MESSAGE BOARD LOCATED AT 1310 WEST HENDERSON STREET; AS REQUESTED BY FASTACO, CASE VC20-006.**

Person presenting this item: Shane Pace, Executive Director of Development Services

**BRIEF:** FasTaco has submitted a formal request for a variance to permit an electronic message board on the property located at 1310 W. Henderson Street. As requested, the proposed electronic message board will be embedded into the existing pole sign. Chapter 156: Sign Regulations utilizes two main criteria when defining the types of signs permitted on a property, and where a sign may be located.

1. Sign Districts - the districts of the Future Land Use Plan serve as Sign Districts, and define the types of signs permitted on a property.
2. Setback Envelopes - define the area on a property where a sign may be located.

The applicant is requesting to replace the existing marquee cabinet face of the existing pole sign with an electronic message board, which is located in the Internal Setback Envelope (*Street Interface*).

The subject property is located within the Community Commercial District of the Future Land Use Plan. Within this district, Section 156.40 of the Sign Ordinance does not permit electronic message boards. Therefore, the applicant is requesting a variance to permit an electronic message board within this district.

The City Council has the discretion to grant a variance for the proposed sign, should they chose to do so. See staff’s agenda report for full application details.

***\*OPENED PUBLIC HEARING\****

Speakers: Proponents Matt Harpole and Bob Aumuller were present and available for questions. Robert Vasquez, also proponent, was also available for questions via teleconference.

***\*CLOSED PUBLIC HEARING\****

**MOTION: to approve as presented**

	Motion	Second	Aye	No	Abstain	Absent		Result
Kelly		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>

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**WORKSHOP**

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**I. CITY MANAGER’S UPDATE ON MUNICIPAL BUSINESS**

WS1. Discussion about the upcoming BNSF Railroad project and the implications to the City – Jeremy Hutt, Director of Public Works

BNSF negotiations resulted with an increased dollar amount for closing one of the railroad crossings and with funds to be used at the City’s discretion, but removed all road work improvements from the closure proposal. The Council saw no reason to continue the negotiations.

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**EXECUTIVE SESSION**

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The Council did not convene a Closed Meeting to discuss items legally posted in executive session.

~~A. § 551.071. Consultation with Attorney; Closed Meeting~~ A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. ~~Discuss Municipal Utility District~~ Chris Fuller, Deputy City Manager

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**ADJOURNMENT**

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**ADJOURNED AT: 6:31PM**

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**APPROVAL OF MINUTES**

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**APPROVED BY MAJORITY VOTE OF COUNCIL ON: JULY 14, 2020**