



CITY COUNCIL REGULAR MEETING MINUTES
JUNE 28, 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
- ✓ 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 Trinity Bounds, Pursuit Bible Church

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. There were no speakers.

David Murdock spoke concerning the Chisholm Trail Outdoor Museum, the history of how the museum was started, and the new attractions since that time. He also spoke of the benefits and impact of having the museum for the City. Mr. Murdock asked the City consider increasing the funding for the museum from \$20,000 annually to \$100,000 to help provide staffing for the museum and to increase hours of operation.

Carrie Reynolds, Chisholm Trail Outdoor Museum's Event Director spoke on the facility's current events and the affect the museum has on tourism in the city. She spoke of the awards received by the museum and the world wide influence the museum has had on the area including tourism and businesses in Cleburne. Ms. Reynolds recognized the volunteers and businesses in town who have supported the museum. She also spoke of the first class rating among several social media outlets, the State of Texas Tourism ranks the museum as number one. The museum has been featured in several television shows and movies. The value of museum artifacts is \$3.5 million. The museum has several social media pages with traffic increasing at an amazing rate daily. She spoke concerning the number of volunteer hours spent to maintain the museum including community service workers as well as the neighboring cities who are helping to sponsor the museum. The museum is growing with new phases coming soon. She also respectfully asked for the increase in support from the city. There were approximately 40 citizens present in support of the museum and their request.

Jameye Jones spoke concerning the Johnson County Pioneers and Old Settlers Reunion facility and the upcoming Homecoming event. Ms. Jones invited and encouraged the Council to attend and announced the event is being held August 31 – September 4, 2022.

Mayor Cain thanked those who came to speak and support the Chisholm Trail Museum and reminded David and Carrie of the MOU process concerning funding and asked them to meet with Grady Easdon on the matter.

VI. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS
There were no presentations under this section of the agenda.

Mayor Cain recessed the Regular Council Meeting at 5:27 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 551.074. Personnel Matters - This chapter does not require a governmental body to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. This does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing:

EXE1. Discuss the Municipal Court Judge evaluation

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:

EXE2. 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 6:06 PM and formal action was taken on Item #**OR1** later in the agenda resulting from the item 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 will be enacted with one motion.

MN1. CONSIDER MINUTES FOR THE JUNE 14, 2022 REGULAR COUNCIL MEETING.

RS1. RS06-2022-83 CONSIDER A RESOLUTION CONSENTING TO THE EXTENSION OF THE DECLARATION OF LOCAL DISASTER UNTIL JULY 12, 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 July 12, 2022 at 11:59 p.m. central daylight time.

RS2. RS06-2022-84 CONSIDER A RESOLUTION AUTHORIZING A CHAPTER 380 AGREEMENT WITH CUCCIA WILSON CLEBURNE PROPERTY CO, LLC UNDER THE TERMS OF THE FAÇADE IMPROVEMENT MATCHING INCENTIVE PROGRAM.

Presented by: Grady Easdon, Economic Development Manager

Summary: Cuccia Wilson Cleburne Property Co., LLC, represented by Michael Wilson, has submitted an application under the terms of the City’s Façade Improvement Matching Incentive Program for reimbursement of expenses related to improvements to property located at 108 E. Chambers Street. The scope of work includes repair and repainting of the stucco on the north and west facades of the building. Total cost of this project is estimated at \$15,000.00. Under the terms of the Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Should this request be approved, there will be \$8,503.00 in remaining funds for other projects under the program.

RS3. RS06-2022-85 CONSIDER A RESOLUTION AUTHORIZING A HANGAR LEASE AGREEMENT WITH AEROPREMIERE, INC FOR A THREE-YEAR LEASE OF AIRPORT HANGAR 701.

Presented by: Sharlette Wright, Airport Manager

Summary: David MacDonald, of Aeropremiere, Inc, would like to lease airport hangar 701 for a three-year term with an option for an additional three-year extension. Aeropremiere has occupied Hangar 701 since 2008 on a month-to-month lease basis. Staff advised Mr. MacDonald that given his extended use of the hanger a binding three-year lease was appropriate. Further, without an actual lease in place, Mr. MacDonald runs the risk of the City entering into a lease agreement with another tenant and Mr. MacDonald then losing the use of hangar 701. The proposed lease is the standard lease agreement and if approved will be effective retroactive to April 1, 2022. Aeropremiere has pre-paid for 2022 (on a month-to-month basis). Hangar 701 is

comprised of 3,025 square feet and the current monthly lease amount is \$484.00, which corresponds to the proposed three-year monthly lease amount.

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

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		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

OR1. OR06-2022-48 CONSIDER AN ORDINANCE APPROVING THE REAPPOINTMENT OF MICHAEL KURMES FOR A TERM OF TWO YEARS AS MUNICIPAL COURT JUDGE FOR THE CLEBURNE MUNICIPAL COURT OF RECORD AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES.

Presented by: Rhonda Daugherty, Director of Finance

Summary: Michael Kurmes currently serves as the Municipal Court Judge, originally appointed by Council on November 11, 2014. Judge Kurmes was reappointed for two-year terms on November 8, 2016, April 10, 2018 and May 12, 2020. City Council desires to reappoint Michael Kurmes as Municipal Court Judge for an additional two-year term for the period of June 1, 2022 through May 31, 2024 at an annual compensation amount of \$60,638 for judicial and magistrate services for the City of Cleburne Municipal Court of Record. This is an increase of 10% from the prior amount of \$55,125. The Agreement details the judicial and magistrate services to be provided by the Municipal Court Judge.

This appointment is authorized by ordinance, as the Cleburne Municipal Court of record was created pursuant to Chapter 30, Subchapter P, of the Texas Government Code, and Section 30.006(b) of the Texas Government Code. Those Codes provide that Municipal Courts of Record must have their judges appointed by an ordinance of the City Council, and the City of Cleburne Charter provides for the Council’s appointment of a Municipal Court Judge.

Judge Michael Kurmes was present should the Council have questions.

MOTION: to reappoint Michael Kurmes as Municipal Court Judge for a two-year term for a period beginning June 1, 2022 through May 31, 2024, at an annual compensation of \$60, 638, and further authorize the City Manager to execute an agreement for professional services in the capacity of Municipal Court Judge

	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	Motion Carried		Motion Failed					Roll Call

OR2. OR06-2022-49 *PUBLIC HEARING* CONSIDER AN ORDINANCE REZONING ±2.0 ACRES FROM SF-7 (SINGLE-FAMILY DWELLING DISTRICT) TO MF-1 (MEDIUM-DENSITY RESIDENTIAL DISTRICT), LOCATED AT 910 FULLER ROAD BETWEEN ISLAND GROVE ROAD AND BRAZOS AVENUE, CASE ZC22-012.

Presented by: David Jones, Community Development Director

Summary: The applicant, Joaquin Miranda, has requested to rezone approximately 2.0 acres from SF-7 (Single-Family Dwelling District) to MF-1 (Medium-Density Residential District) for the property located at 910 Fuller Road, between Island Grove Road (FM 2135) and Brazos Avenue. The applicant intends to rezone the subject property for the construction of two duplex units. The Planning and Zoning Commission considered this request at their June 13, 2022 meeting and voted 6-0 to recommend approval.

Proponent Martha Miranda was present and answered questions of the Council.

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

Mayor Pro Tem Boedeker inquired as to the appropriateness of the straight rezoning, what is the potential density, and if there was permitted action to limit the density to the two units being proposed.

Councilman Weathers asked Ms. Miranda concerning the proposal and how it impacts the neighboring property, which is also hers. He inquired how many other projects Ms. Miranda has already completed in Cleburne, and she replied approximately 20 single family units and 4 duplex units. Councilmen Warren asked for a few details on the planned parking.

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	Motion Carried		Motion Failed					Roll Call

OR3. OR06-2022-50 *PUBLIC HEARING* CONSIDER AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 150: BUILDING CODES, SECTION 150.016: FEES ADOPTED OF THE CODE OF ORDINANCES TO INCREASE THE FEE FOR BUILDING PERMIT RE-INSPECTIONS FROM \$25.00 TO \$70 FOR RESIDENTIAL AND \$85.50 FOR COMMERCIAL.

Presented by: David Jones, Community Development Director

Summary: On average, 15-20% of building inspections conducted by the City result in a failure and re-inspection. The current fee for building permits that require re-inspection due to a failed initial inspection is not adequate to cover the City’s costs for either staff re-inspections or those done by the City’s third-party inspectors. This item would increase the fees for re-inspection due to a failed initial inspection to an amount sufficient to recoup the City’s cost to perform the re-inspection.

A survey of benchmark cities shows that re-inspection fees range from a low of \$55 to a high of \$120. Increasing the re-inspection fee would not result in a competitive disadvantage to Cleburne since the proposed fee is still within the middle third of comparable fees, and because initial permit fees, which builders rely on to determine the cost of doing business in the city, would remain unchanged and are low compared to peer cities.

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
Boedeker	X		X				Approved as amended
Mann			X				Denied
Warren			X				Withdrawn
Cain			X				Postponed until:
X	Motion Carried		Motion Failed			Roll Call	

OC2. CONSIDER APPOINTMENTS AND REAPPOINTMENTS OF COMMUNITY MEMBERS TO CITY OF CLEBURNE BOARDS AND COMMISSIONS.

Presented by: Ivy Peterson, City Secretary

Summary: At such time when members’ terms expire or vacancies occur on City boards, the Board & Commission Recommendation Committee convenes to review applications of potential candidates for the Council’s consideration. In accordance with Section 31.02 of the Code of Ordinances, the Committee is prepared to make recommendations for appointment of citizens representing a broad base of the community. The candidates listed below have been contacted and are willing to serve a two-year term beginning July 1, 2022.

Board/Commission	Recommendations	Appoint/Reappoint	Term #
Animal Shelter Advisory Board (city representative)	Ashley Masters	Appointment	1
Animal Shelter Advisory Board	Kathy McClelland	Reappointment	3

Building and Standards Commission	Blake Jones	Reappointment	3
Library Advisory Board	Joyce Petross	Reappointment	3
Library Advisory Board	Janie Stone	Appointment	1
Museum Advisory Board	Teresa Ferens	Reappointment	2
Museum Advisory Board	Linda Burt Wallace	Reappointment	2
Parks and Recreation Advisory Board	Brian Goodman	Reappointment	3
Parks and Recreation Advisory Board	Aaron Siler	Appointment	1
Planning and Zoning Commission	Albert Archer	Reappointment	3
Planning and Zoning Commission	Vance Castles	Reappointment	2
Tax Increment Financing Reinvestment Zone #1	Rick Bailey	Reappointment	4
Tax Increment Financing Reinvestment Zone #1	Roger Harmon	Reappointment	9
Tax Increment Financing Reinvestment Zone #3	Rick Bailey	Reappointment	5
Tax Increment Financing Reinvestment Zone #3	Roger Harmon	Reappointment	5
Zoning Board of Adjustment	Timothy Barnette	Appointment	1

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	Motion Carried		Motion Failed			Roll Call		

OC3. CONSIDER CITY COUNCIL APPOINTMENTS TO CERTAIN BOARDS.

Presented by: Ivy Peterson, City Secretary

Summary: In accordance with Chapter 31: Boards, Commissions and Public Bodies, Section 31.11 of the Code of Ordinances, city staff is to notify the Council, through the agenda, of the expiration of terms of appointments, or vacancies, in the membership of boards and commissions. The following positions are presented for Council consideration and that such appointment is for a term of two years beginning July 1, 2022.

Board/Commission	Recommendations	Appoint/Reappoint	Term #
Cemetery Advisory Board	John Warren	Reappointment	3
TIF #3	Scott Cain	Reappointment	4
Type A EDC	Mike Mann	Reappointment	3
Type A EDC	Derek Weathers	Reappointment	2

MOTION: to approve as presented

	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>

DISCUSSION & UPDATES

OC4. DISCUSS THE SPECIAL EVENTS POLICY

Presented by: Rob Severance, Chief of Police

Summary: Staff will present a proposed special events policy for discussion. The purpose of this policy is to facilitate activities that are safe, enjoyable and well-coordinated, and to provide guidelines by which the reviews, approvals, administration, and implementation of special events are consistent in nature. Attention is given to the use of City resources and infrastructure in support of such activities.

Special Event Review Team (SERT) consists of representatives from Police, Fire, Parks and Recreation, Public Works, and Administration who consider the impact of an event on their respective departments.

Chief Severance presented the details of an initial policy as there is currently no existing official policy outside of standard practice. The key elements of the policy include:

- Definition and examples of a Special Event
- Location
- Frequency
- Application
- Security
- Cleanliness
- Damage or Loss of Materials
- Cancellation
- Denial of Future Use
- Indemnity
- Insurance
- City Services
- Food & Beverage Sales
- Alcoholic Beverages
- Restroom Facilities
- Trash Removal
- Road Closure
- Assignment/Transfer
- Signage

An action item will be presented at a future meeting.

OC5. UPDATE ON THE WATER UTILITY AND THE CURRENT DROUGHT CONDITIONS

Presented by: Jeremy Hutt, Director of Public Works

Summary: Staff will provide City Council with an update on the current drought conditions and the effects on the water utility.

Mr. Hutt relayed the Water Utility remains fully functional and has the plans and contingencies in place to operate until there is significant rainfall and the reservoirs are replenished. However, the City of Cleburne is experiencing drought conditions, Lake Pat Cleburne water levels are declining, and the recreational opportunities and aesthetics of Lake Pat Cleburne have been impacted:

- The lake looks dry and water levels have declined
- Boating access becomes limited due to receding water levels
- The water utility needs to monitor the drought and plan accordingly

While the lake may have reduced recreational potential and have less aesthetic appeal, it is important to remember that Lake Pat Cleburne is a water reservoir with a **PRIMARY** function of storing and providing raw water for our Water Utility.

Lake Pat Cleburne's watershed is 100 square miles with water draining down to the lake from as far away as north of Godley. The lake is performing as intended and is serving its primary function, a raw water source for the City of Cleburne Water Utility.

As of 6-27-2022:

- 65.2% Full
- 727.28'

Current daily demand for the Utility:

- 21.5 AC-FT or 6 MGD

Annual lake supply:

- 6,000 AC-Ft

The water utility also receives raw water from Lake Aquila, which is experiencing fewer impacts from the drought.

As of 6-27-2022:

- 78.1% Full

Current Amount Transferred Daily:

- 16 AC-FT or 4.5 MGD

Annual supply from Aquilla Lake:

- 5,300 AC-FT

The State of Texas requires water suppliers to have a water conservation plan that includes drought planning activities.

The City of Cleburne Water Conservation and Drought Contingency Plan has 4 Stages that are triggered by the water level of Lake Pat Cleburne.

- Stage 1 – 729.2' (75% Storage Capacity)
- Stage 2 – 726.5' (~61% Storage Capacity)
- Stage 3 – 723.7' (50% Storage Capacity)
- Stage 4 – 716.2' (25% Storage Capacity)

The City is also subject to the Brazos River Authority and their Drought Contingency Plan which is currently in Stage 1. There is a voluntary 5% reduction in use from reservoirs (Lake Aquilla). Lake Pat Cleburne is also currently at Stage 1.

ADJOURNMENT

ADJOURNED AT: 7:10 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: JULY 12, 2022