



REGULAR CITY COUNCIL MEETING MINUTES
JULY 23, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

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

City Council:

- ✓ Scott Cain, Mayor
- ✓ Dr. Bob Kelly, SMD 1
- ✓ Chris Boedeker, SMD 2
- ✓ Mike Mann, SMD 3
- ✓ John Warren, Mayor Pro Tem/SMD 4

Administration:

- ✓ Steve Polasek, City Manager
- ✓ Fritz Quast, City Attorney

II. INVOCATION by Rev. Harley Charles, Cleburne First Seventh Day Adventist Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

☆ Proclamation – Cleburne Purple Heart Medal Recipient’s Day of Honor, August 7, 2019

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

VI. CITIZENS COMMENTS

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

CONSENT ITEMS

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.

M1.

CONSIDER MINUTES FOR THE JULY 9, 2019 COUNCIL MEETING.

RS1.

RS07-2019-49

CONSIDER A RESOLUTION APPROVING THE CITY OF CLEBURNE’S INVESTMENT REPORT FOR QUARTER ENDED JUNE 30, 2019.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 2256.023 of the Texas Government Code states that a written quarterly investment

report must be prepared by the investment officer and submitted to the governing body. For the quarter ended June 30, 2019, the City invested solely in four local government investment pools (LOGIC, Texas Class, TexPool, and TexSTAR), and included in the investment report are the newsletters from each of the pools that provides information on their average yield, net asset value, weighted average maturity, and portfolio composition at the end of the reporting quarter. At June 30, 2019, there was \$81,366,020 invested in the four pools with total quarterly interest income of \$503,870. The percentage allocation by investment pool at June 30, 2019 is LOGIC: 20.91%, Texas Class: 47.83%, TexPool: 8.97%, and TexSTAR: 22.29%.

OC1.

CONSIDER ACCOUNTS PAYABLE FOR THE MONTH OF JUNE 2019.

Person presenting this item: Troy Lestina, Director of Finance

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Warren			X					Withdrawn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>

RESOLUTIONS

RS2.

RS07-2019-50

CONSIDER A RESOLUTION AUTHORIZING 380 AGREEMENT WITH BEN HILL TURNER PC LOCATED AT 2 EAST CHAMBERS STREET FOR A FAÇADE IMPROVEMENT INCENTIVE PROGRAM.

Person presenting this item: Grady Eason, Economic Development Manager

BRIEF: Ben Hill Turner, P.C., has submitted an application under the terms of the City’s Façade Improvement program seeking funds to re-texture and paint the exterior wall on the west side of the building, and install new custom arch-top shutters on 8 windows. Under the terms of the Façade Improvement Incentive Program, up to 50% of eligible project costs are reimbursable up to a maximum of \$5,000. Total cost of this project for improvements will be either \$10,123.53 or \$12,700.00 depending on which proposal they choose. Therefore \$5,000.00 would be the maximum match by the City for either estimate. Total funding for this program in the FY 2019 budget was \$50,000. Provided that this request is approved by Council, there would be \$25,000.00 in remaining funds for the program.

MOTION: to approve as presented

Motion	Second	Aye	No	Abstain	Absent	Result
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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>

RS3. RS07-2019-51
CONSIDER A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 380 AGREEMENT WITH RAINTREE HOMES, INC FOR CLEBURNE’S RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM.

Person presenting this item: Grady Easdon, Economic Development Manager

BRIEF: On December 12, 2017, the City Council approved a Chapter 380 Agreement with Raintree Homes, Inc. for the construction of 34 homes in the Belle Meadows Phase III subdivision. Pursuant to that agreement, Raintree was required to construct 10 homes by December 31, 2018 in order to be eligible for incentives under the program guidelines. Due to extraordinary amounts of rainfall during the early stages of construction, which in turn caused delays by utility contractors in being able to install the underground utilities, Raintree was not able to meet the required benchmarks to qualify for the Year 1 incentives. They currently have 9 homes either complete or almost complete as of today, so it should be noted that Raintree appears to be making every effort to move ahead at the best possible speed to get back on their construction timetables.

As a result of the events outside Raintree’s control which lead to delays in their ability to comply with the first-year benchmarks set forth in the current 380 agreement, they have requested that the Agreement be amended to reflect the home construction benchmarks as follows:

- Year 1 benchmark – 15 total homes constructed and assessed by January 1, 2020
- Year 2 benchmark – 30 total homes constructed and assessed by January 1, 2021 (unchanged from current Agreement)
- Year 3 benchmark – 34 total homes constructed and assessed by January 1, 2022 (unchanged from current Agreement)
- Year 4 benchmark – 34 total homes constructed and assessed by January 1, 2023 (unchanged from current agreement)

It should be noted that by Year 2 of the Amended Agreement, Raintree is back on the same construction schedule and timelines as in the current Agreement. Raintree is not requesting that the term of the Agreement be extended. The Amended Agreement would be for a 4-year term rather than 5 years as under the terms of the current Agreement.

*Councilman Boedeker filed a conflict of interest affidavit for this council action and it is on file with the City Secretary.

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>

ORDINANCE

OR1. OR07-2019-40
CONSIDER AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET (#9) BY APPROPRIATING \$153,000 TO THE DRAINAGE UTILITY FUND, PROFESSIONAL SERVICES FOR THE EAST SIDE DRAINAGE STUDY, PHASE 1.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Staff was directed by the City Council to initiate a study of the east side of Cleburne to determine the effects of increased development to the drainage system. The East Side Drainage Study is generally bounded by Boone Street to the north, Sabine to the west, and West Buffalo Creek to the east and to the south. The study will not be the design or construction of any improvements, but a compilation of information to guide the City with a prioritized list of future projects.

The proposed Drainage Utility Fund budget amendment in the amount of \$153,000 will revise the total adopted Drainage Utility Fund budget of \$370,699 (Ordinance OR09-2018-64) to \$523,699. Funding source for this amendment is from the Drainage Utility Fund balance reserve with a current balance of \$1,274,459.

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>

RS4. RS07-2019-52
CONSIDER A RESOLUTION AUTHORIZING AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES TO PERFORM ENGINEERING SERVICES FOR THE EAST SIDE DRAINAGE STUDY FOR AN AMOUNT NOT TO EXCEED \$153,000.

Person presenting this item: Cheryl Taylor, Director of Engineering Services

BRIEF: Staff was directed by the City Council to initiate a study of the east side of Cleburne to determine the effects of increased development to the drainage system. The East Side Drainage Study is generally bounded by Boone Street to the north, BNSF Railroad to the west, East Buffalo Creek to the east and Henderson Street to the south.

The scope of the study includes the following: 1. Condition assessment – to determine the condition of the existing storm drainage system currently in place; 2. Hydraulic assessment – survey of existing streets to determine capacity within the drainage area; and 3. Prioritization of future projects and preliminary cost estimates to plan for future drainage utility fund budgets.

The study will not be the design or construction of any improvements, but a compilation of information to guide the city with a prioritized list of future projects. The schedule of work will begin within 60-90 day of contract execution and will take approximately 9-12 months to complete.

The total cost of the professional services agreement is \$153,000, and a budget amendment is required for the approval of this contract, as the East Side Drainage Study was not included in the FY2019 budget. Funding for this project is available in the Drainage Utility Fund. The City Attorney’s Office has reviewed and has no objections to the language in the professional services agreement.

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>

ORDINANCES

OR2. OR07-2019-41

CONSIDER AN ORDINANCE AMENDING CHAPTER 74: TRAFFIC SCHEDULES, SCHEDULE 1. SCHOOL ZONES, ACCEPTING RECOMMENDATION OF THE TRAFFIC SAFETY COORDINATOR ESTABLISHING A SCHOOL ZONE ON NORTH NOLAN RIVER ROAD BETWEEN HARLIN DRIVE AND WOODARD AVENUE.

Person presenting this item: Jeremy Hutt, Director of Public Works

BRIEF: The Cleburne Independent School District has recently completed construction at the High School campus. Due to the new parking areas and facilities at the site, the traffic patterns in the area have changed and the Cleburne Independent School District has requested a school zone be established for the portion of Nolan River Road between Harlin Drive and Woodard Avenue.

Staff has reviewed the request and is recommending the establishment of a 15 MPH school zone on Nolan River Road between Harlin Drive and Woodard Avenue between the hours of 7:30a.m. - 9:00a.m.; 2:30p.m. - 4:00p.m. If approved by City Council, this School Zone will be in place prior to the start of the 2019 School Year, which begins on August 14, 2019.

MOTION: to approve as amended establishing the school zone to be 20 MPH

Motion	Second	Aye	No	Abstain	Absent	Result
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Kelly		X	X					Approved as presented
Boedeker	X		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>

OTHER COUNCIL MATTERS

OC2.

CONSIDER FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, DOBBS ADDITION (BEING ±2.138 ACRES IN THE CITY’S ETJ, LOCATED APPROXIMATELY 1,250 FEET WEST OF CR 1126 AND ON SOUTH SIDE OF CR 1228); AS REQUESTED BY PAUL AND REBECCA DOBBS, REPRESENTED BY JEREMY DEAL.

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

BRIEF: The applicant is requesting approval for two (2) residential lots located within the City’s Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan designates this property to be located within the Future Traditional Neighborhoods District. The final plat meets the intent of the Future Land Use Plan and meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their July 8, 2019 meeting and recommended approval by a vote of 5-0.

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		X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OC3.

CONSIDER FINAL PLAT OF LOTS 1 AND 2, BLOCK 1, GUINN’S ADDITION (BEING ±11.51 ACRES IN THE CITY’S ETJ, LOCATED AT 1865 EAST HENDERSON STREET); AS REQUESTED BY THE GUINN FAMILY TRUST, REPRESENTED BY CHARLIE GUINN.

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

BRIEF: The request is for two (2) lots. A portion of the property is located within the City Limits and the remaining property is located within the City’s ETJ. The Future Land Use Plan designates this property to be located within the Approach Corridor and the Future Traditional Neighborhoods

District. The final plat meets the intent of the Future Land Use Plan and meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their July 8, 2019 meeting and recommended approval by a vote of 5-0.

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	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>					<i>Roll Call</i>

OC4.

CONSIDER FINAL PLAT OF LOTS 1-10, BLOCK 1, KIRK CARRELL ADDITION, (BEING ±17.093 ACRES IN THE CITY’S ETJ, LOCATED APPROXIMATELY 730 FEET WEST OF CR 1017 AND ON SOUTH SIDE OF CR 905); AS REQUESTED BY KIRK CARRELL, REPRESENTED BY JEREMY DEAL.

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

BRIEF: The applicant is requesting approval for ten (10) residential lots located within the City’s Extraterritorial Jurisdiction (ETJ). This property is not located within the boundaries of the Future Land Use Plan. The final plat meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their July 8, 2019 meeting and recommended approval by a vote of 5-0.

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>

OC5.

CONSIDER FINAL PLAT OF LOT 1, BLOCK 1, THOMPSON’S HARDSHIP ACRES (BEING ±1.847 ACRES IN THE CITY’S ETJ, LOCATED APPROXIMATELY 2,100 FEET EAST OF STATE HIGHWAY 171 AND ON NORTH SIDE OF CR 314); AS REQUESTED BY JAMES AND RUTH SCROGIN, REPRESENTED BY TRANS TEXAS SURVEYING.

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

BRIEF: The applicant requesting approval of a final plat for Lot 1, Block 1 of Thompson’s Hardship Acres, located within the City’s Extraterritorial Jurisdiction (ETJ). The Future Land Use Plan designates this property to be located within the Traditional Neighborhoods District. The final plat meets the intent of the Future Land Use Plan and meets all of the minimum requirements as outlined in Chapter 154 of the Code of Ordinances. The Planning and Zoning Commission considered this request at their July 8, 2019 meeting and recommended approval by a vote of 5-0.

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	X					Denied
Warren			X					Withdrawn
Cain			X					Postponed until:
X	<i>Motion Carried</i>		<i>Motion Failed</i>			<i>Roll Call</i>		

EXECUTIVE SESSION

Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183(f) of the Texas Government Code (Texas Disaster Act). Refer to posted list attached hereto and incorporated herein. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council Meeting.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

ADJOURNMENT

ADJOURNED AT: 6:01PM

APPROVAL OF MINUTES
