



REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 13, 2019
5:00 PM
CITY HALL COUNCIL CHAMBERS
10 NORTH ROBINSON STREET

I. ROLL CALL AND CALL TO ORDER BY MAYOR @ 5:07 PM

City Council:

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

Administration:

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

II. INVOCATION by Rev. Jack Garr, Crosspoint Community Church

III. PLEDGE OF ALLEGIANCE

IV. COMMUNITY INTEREST MATTERS, ANNOUNCEMENTS & PRESENTATIONS

- ☆ Presentation of the June All Star to Clifton McFatridge, with the Cleburne Police Department was accepted by his wife, Mrs. McFatridge on his behalf

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

None

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 APPROVAL OF MINUTES FOR THE JULY 23, 2019 COUNCIL MEETING.

RS1.

RS08-2019-53

CONSIDER A RESOLUTION AUTHORIZING A 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH MODERN MONUMENT WORKS, INC., FOR THE PROPERTY LOCATED AT 415 EAST CHAMBERS STREET FOR A FACADE

IMPROVEMENT MATCHING INCENTIVE PROGRAM REIMBURSEMENT FOR AN AMOUNT NOT TO EXCEED \$1,400.

Person presenting this item: Grady Eason, Economic Development Manager

BRIEF: Modern Monument Works has submitted an application under the terms of the City’s Façade Improvement program seeking funds to replace broken windows, add new signage with updated logo to the building, and update the existing pole sign with new sign panels with new logo and repaint the pole and frame. 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 \$2,800.44, so the 50% match of \$1,400.00 would apply.

RS2. RS08-2019-54

CONSIDER A RESOLUTION SUPPORTING THE APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION’S 2019 SAFE ROUTES TO SCHOOL-INFRASTRUCTURE CALL FOR PROJECTS FOR SIDEWALKS IN THE VICINITY OF SMITH MIDDLE SCHOOL AT THE INTERSECTION OF COUNTRY CLUB ROAD AND SOUTH NOLAN RIVER ROAD.

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

BRIEF: The purpose of this item is a resolution of support to be included with the detailed application for the Texas Department of Transportation (TxDOT) 2019 Safe Routes to School-Infrastructure (SRTS) Program.

The grant funding may be used for construction of pedestrian and/or bicycle infrastructure. The resolution ensures that the local government is willing to commit to the project’s development, implementation, construction, maintenance, management, and financing and allows for the City of Cleburne to enter into an agreement with TxDOT should the project be selected for funding.

This section of sidewalk, generally located at the intersection of County Club Road and Nolan River Road, will provide connectivity between the existing Gerard Elementary School, Lowell Smith Middle School, and the new residential neighborhoods that are developing in the vicinity. The TxDOT grant allows the city to leverage other agency's funds to enhance the city's infrastructure for the safety of the children and to encourage pedestrian traffic walking to and from school, thereby reducing vehicular traffic.

MOTION: to approve in its entirety

| | 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 | Motion Carried | | Motion Failed | | | | Roll Call |

ORDINANCES

OPENED PUBLIC HEARING

OR1. OR08-2019-42

CONSIDER ORDINANCE REZONING ±0.21 ACRES, BEING LOT 7, BLOCK 99 ORIGINAL CLEBURNE, LOCATED AT 720 N BORDER ST, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The City of Cleburne has requested to rezone this property with the intent to sell the lot for the future construction of a single-family residential home.

EXISTING CONDITIONS: The property is currently platted as Lot 7, Block 99, of Original Cleburne and is currently zoned the M1 District. The property is surrounded by the same zoning designation on the north and south boundaries, with the MF District to the west and the M2 District to the east. The surrounding land use is primarily single-family residential homes, with the existing railroad to the east of the subject property.

COMPREHENSIVE PLAN: The Comprehensive Land Use Plan shows this property to be located in the Preservation District, whose purpose is to stabilize property values in the older neighborhoods of Cleburne with single-family residential development. The proposed rezone request is consistent with the intent of the Preservation District

P&Z ACTION: The Planning and Zoning Commission considered this request at their July 22, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

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> |

OPENED PUBLIC HEARING

OR2. OR08-2019-43

CONSIDER ORDINANCE REZONING ±0.21 ACRES, BEING LOT 8, BLOCK 99 ORIGINAL CLEBURNE, LOCATED AT 722 N BORDER ST, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The City of Cleburne has requested to rezone this property with the intent to sell the lot for the future construction of a single-family residential home.

EXISTING CONDITIONS: The property is currently platted as Lot 8, Block 99, of Original Cleburne and is currently zoned the M1 District. The property is surrounded by the same zoning designation on the north and south boundaries, with the MF District to the west and the M2 District to the east. The surrounding land use is primarily single-family residential homes, with the existing railroad to the east of the subject property.

COMPREHENSIVE PLAN: The Comprehensive Land Use Plan shows this property to be located in the Preservation District, whose purpose is to stabilize property values in the older neighborhoods of Cleburne with single-family residential development. The proposed rezone request is consistent with the intent of the Preservation District.

P&Z ACTION: The Planning and Zoning Commission considered this request at their July 22, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

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> |

OPENED PUBLIC HEARING

OR3. OR08-2019-44

CONSIDER ORDINANCE REZONING ±0.21 ACRES, BEING LOT 9, BLOCK 99 ORIGINAL CLEBURNE, LOCATED AT 724 N BORDER ST, FROM M1 (LIGHT INDUSTRIAL DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The City of Cleburne has requested to rezone this property with the intent to sell the lot for the future construction of a single-family residential home.

EXISTING CONDITIONS: The property is currently platted as Lot 9, Block 99, of Original Cleburne and is currently zoned the M1 District. The property is surrounded by the same zoning designation on the north and south boundaries, with the MF District to the west and the M2 District to the east. The surrounding land use is primarily single-family residential homes, with the existing railroad to the east of the subject property.

COMPREHENSIVE PLAN: The Comprehensive Land Use Plan shows this property to be located in the Preservation District, whose purpose is to stabilize property values in the older neighborhoods of Cleburne with single-family residential development. The proposed rezone request is consistent with the intent of the Preservation District.

P&Z ACTION: The Planning and Zoning Commission considered this request at their July 22, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

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> |

OPENED PUBLIC HEARING

OR4. OR08-2019-45

CONSIDER ORDINANCE REZONING ±0.15 ACRES, BEING LOT 7, BLOCK 243 ORIGINAL CLEBURNE, LOCATED AT 812 COLORADO ST, FROM MF (MULTIPLE-FAMILY HOUSING DISTRICT) TO SF-4 (SINGLE FAMILY DWELLING DISTRICT); AS REQUESTED BY THE CITY OF CLEBURNE.

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

BRIEF: The City of Cleburne has requested to rezone this property with the intent to sell the lot for the future construction of a single-family residential home.

EXISTING CONDITIONS: The property is currently platted as Lot 7, Block 243, of Original Cleburne and is currently zoned the MF District. The property is surrounded by the same zoning designation on the north, south and east boundaries. The property to the west is zoned the M2 District. The surrounding land use is primarily single-family residential homes, with the existing railroad to the west of the subject property.

COMPREHENSIVE PLAN: The Comprehensive Land Use Plan shows this property to be located in the City Center East District, whose purpose is to promote infill development with single-family development. The proposed rezone request is consistent with the intent of the City Center East District.

P&Z ACTION: The Planning and Zoning Commission considered this request at their July 22, 2019 meeting and recommended approval by a vote of 5-0.

Speakers: None

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> |

BUDGET & TAX RATE

WS1. (PART 1)

DISCUSS AND HOLD WORKSHOP SESSION FOR THE FISCAL YEAR 2020 BUDGET AS PRESENTED BY STEVE POLASEK, CITY MANAGER.

The budget workshop presentation was recessed @ 6:40 PM to go into Executive Session

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).

The City Council went into Executive Session at 6:48 PM

CALL TO ORDER: The Presiding Officer called the Executive Session to order as authorized by Vernon's Texas Codes Annotated, Government Code, Title 5. Open Government Ethics, Subchapter D., Exceptions to Requirement that Meetings be open; as per following sections:

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. Legal advice regarding City oil and gas leases, municipal regulation of oil and gas matters, and settlement negotiations with Chesapeake Energy and Total E&P USA, et al
2. ~~Discuss impact of and potential changes in light of HB 3167~~ – Staff requested that discussion of this item be deferred to next council meeting.

ADJOURNED: The Presiding Officer adjourned the Executive Session of Tuesday, August 13, 2019 at 7:27 PM

The presiding officer announced the reconvening of the open meeting session and there was no action resulting from items discussed in Executive Session.

BUDGET & TAX RATE - Continued

The budget workshop presentation was reconvened @ 7:37 PM

WS1. (PART 2)

DISCUSS AND HOLD WORKSHOP SESSION FOR THE FISCAL YEAR 2020 BUDGET AS PRESENTED BY STEVE POLASEK, CITY MANAGER.

OC1.

CONSIDER ADOPTION OF THE 2019 CERTIFIED TAX ROLL AS SUBMITTED BY THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: On July 25, 2019, Jim Hudspeth, Chief Appraiser of Johnson County Appraisal District, certified the 2019 tax roll to be levied October 1, 2019 (Fiscal Year 2020), in the amount of \$1,983,063,688. This total includes taxable value of \$119,166,640 that is the value of properties currently under appeal to the Appraisal Review Board of which \$35,749,992 is estimated as potential value loss and needs to be netted from the certified total. The two amounts net to a total of \$1,947,313,696 of projected assessed valuation, and are the totals that are used to calculate the effective tax rate. From the certified valuation, taxes frozen total \$1,640,031. Included in this total are new construction values of \$31,794,516, which are net of exemptions and new tax abatements. This represents a total increase of 9.32% (\$166,080,194) over the current year’s certified valuation of \$1,781,233,502, and the taxable value of existing property on the tax roll increased by 9.85% to \$1,915,519,180. The value for properties located outside of the three Tax Increment Financing (TIF) Districts is \$1,737,758,554. The incremental value for the properties within the three TIF Districts are as follows: TIF #1 - \$18,972,015, TIF #2 - \$13,726,035, and TIF #3 - \$17,094,471. Per the attached 2019 Effective Tax Rate and Rollback Calculation Worksheet, the calculated effective tax rate is \$0.727714 and the calculated rollback rate is \$0.778206. The Interest and Sinking component of the tax rate is set at \$0.140235 for the repayment of debt service.

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 | | X | | | | | Denied |
| Warren | | | X | | | | | Withdrawn |
| Cain | | | X | | | | | Postponed until: |
| X | Motion Carried | | Motion Failed | | | | | Roll Call |

RS3. RS08-2019-55

CONSIDER A RESOLUTION STATING THE CITY COUNCIL’S INTENT TO ADOPT A TAX RATE OF \$0.773206 PER HUNDRED DOLLARS OF VALUATION FOR FISCAL YEAR 2020 AND SCHEDULING TWO PUBLIC HEARINGS PRIOR TO THE TUESDAY, SEPTEMBER 10, 2019 REGULAR COUNCIL MEETING FOR THE ADOPTION OF THE TAX RATE.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Chapter 26, Texas Property Tax Code, requires taxing units to comply with "Truth-in-Taxation" laws in setting ad valorem tax rates, and that an effective tax rate calculation is performed. The calculated Fiscal Year 2020 (FY 2020) / Tax Year 2019 effective tax rate is \$0.727714 utilizing the July 25, 2019 certified tax roll as the basis for calculation. The proposed rate for FY 2020 is \$0.773206 per \$100 of valuation, which is the rate presented to City Council at the FY 2020 budget workshop on August 13, 2018. The proposed rate of \$0.773206 is lower than the rate from FY 2019. Additionally, the proposed tax rate is less than the rollback rate of \$0.778206.

As the proposed rate of \$0.773206 is higher than the effective tax rate of \$.727714, a city must take several actions for compliance with Chapter 26 of the Texas Property Tax Code. The City Council, must take a record vote to set the time, date and place of two public hearings for public comment on the proposed FY 2020 tax rate. These two public hearings must be held prior to the adoption of the tax rate during the regularly scheduled Council meeting on Tuesday, September 10, 2019 at 5:00 p.m. Staff recommends that the hearings be held at the City Council Chambers at City Hall on Tuesday, August 27, 2019 at 5:00 p.m. (first required public hearing), and on Tuesday, September 3, 2019 at 5:00 p.m. (second required public hearing). The information about these two public hearings held prior to tax rate adoption is required to appear in the “Notice of 2019 Tax Year Proposed Property Tax Rate for the City of Cleburne”. This notice is required by Section 140.010 of the Local Government Code, and will be published in the Cleburne Times-Review on Tuesday, August 20, 2019.

Additionally, the allocation for the FY 2020 tax rate for the interest and sinking rate (Debt Service Fund rate) is \$0.140235 and the operations and maintenance (General Fund rate) is \$0.632971. The ordinance adopting the FY 2020 tax rate will reflect these rates.

MOTION: to approve as presented scheduling two public hearings for the tax rate on August 27th and September 3rd

| | 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> |

OC2.

CONSIDER THE SCHEDULING OF A PUBLIC HEARING FOR THE ADOPTION OF THE FISCAL YEAR 2020 BUDGET TO BE HELD DURING THE CITY COUNCIL REGULARLY SCHEDULED MEETING ON SEPTEMBER 10, 2019, AT 5:00 PM.

Person presenting this item: Troy Lestina, Director of Finance

BRIEF: Section 6.4 (Public Hearing on Budget) of the City of Cleburne Charter states, “At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the estimates of any budget item thereof.” For compliance with this Charter requirement, the City Council is stating its intent to schedule and hold the public hearing to adopt the budget on September 10, 2019, at 5:00 pm, which is a regularly scheduled meeting of the City Council in the City Council Chambers.

MOTION: to approve as presented scheduling the public hearing for adoption of the FY2020 Budget on September 10th

| | 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 | Motion Carried | | Motion Failed | | | | | Roll Call |

RS4. RS08-2019-56

CONSIDER A RESOLUTION APPROVING EMPLOYEE BENEFIT PLANS SUBMITTED BY AETNA HEALTHCARE FOR MEDICAL COVERAGE AND METLIFE FOR DENTAL COVERAGE.

Person presenting this item: Debra Powledge, Director of Human Resources

BRIEF: Staff and HUB International, the City’s Insurance advisor, have worked together evaluating proposals submitted for the City’s health and dental plans. Staff recommends passage of this resolution. The City would continue funding 100% of the employee premiums under the HDHP and a variable portion of the dependent subsidy. Staff is recommending the City continue funding 100% of the dental plan for the employee only. The difference in the increased premiums for the buy up plans would be 100% employee funded as well as any additional dependent coverage or ancillary benefits the employee chooses.

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> |

ADJOURNMENT

ADJOURNED AT: 9:20 PM

APPROVAL OF MINUTES

APPROVED BY MAJORITY VOTE OF COUNCIL ON: AUGUST 27, 2019